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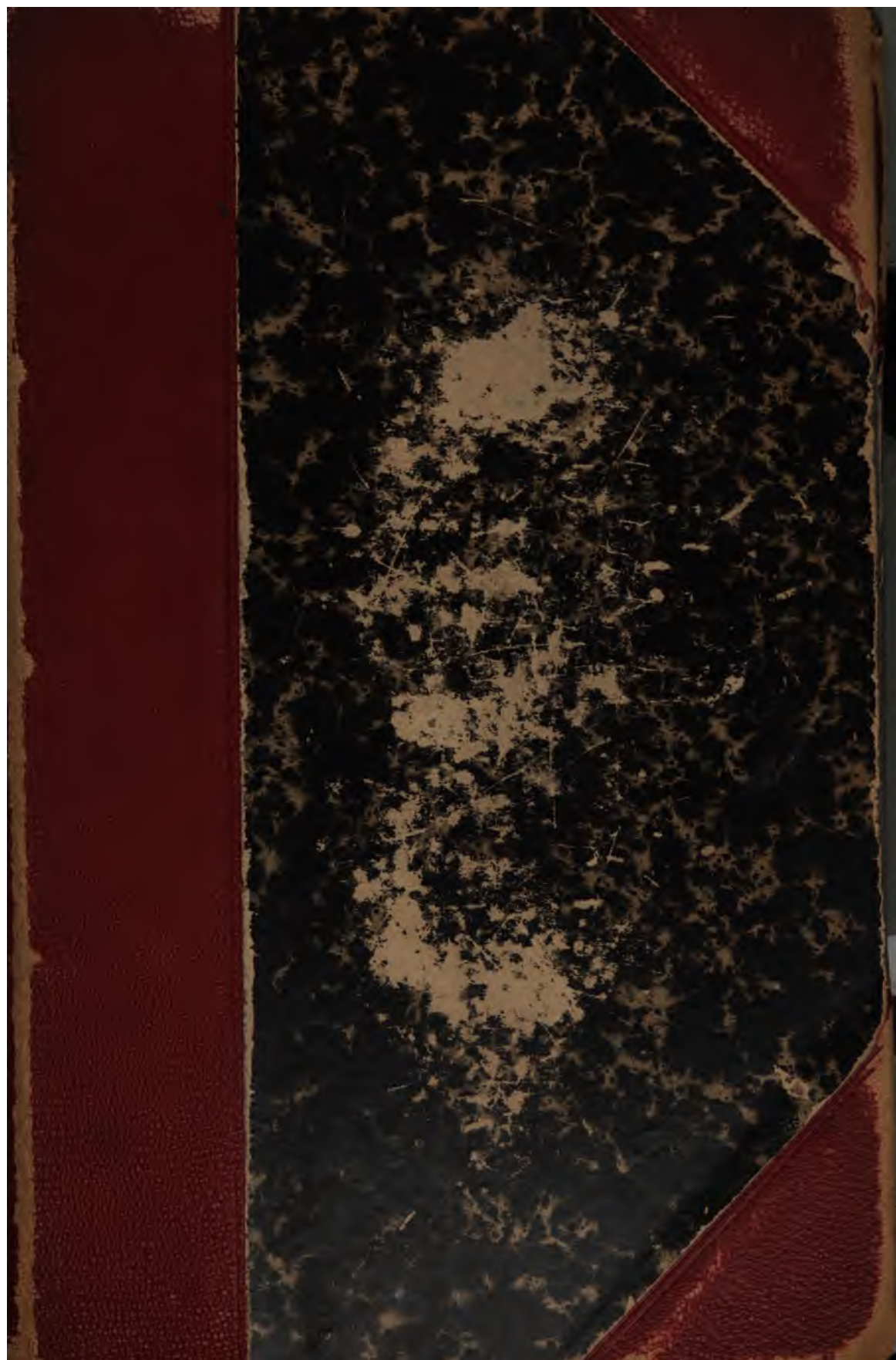
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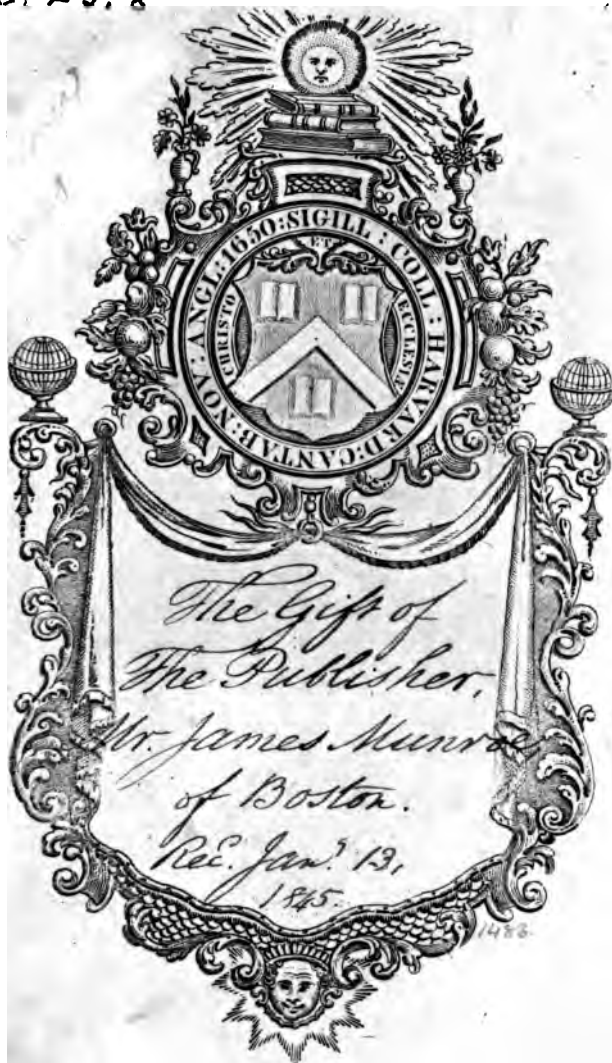
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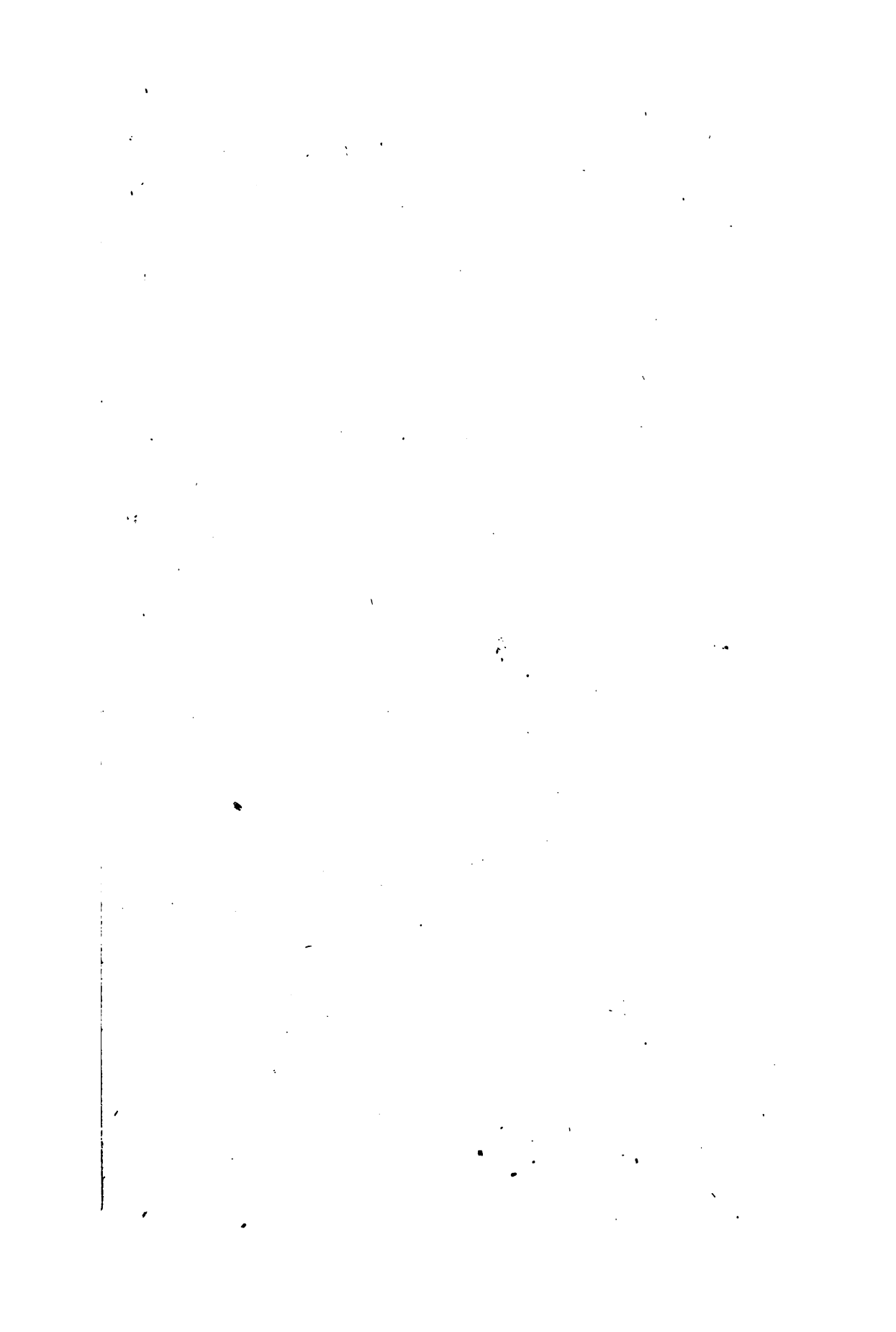
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CHALMERS'S
I N T R O D U C T I O N
TO THE
HISTORY OF THE REVOLT
OF THE
AMERICAN COLONIES.
VOL. II.



AN
INTRODUCTION
TO THE
HISTORY OF THE REVOLT
OF THE
AMERICAN COLONIES;
BEING
A COMPREHENSIVE VIEW OF ITS ORIGIN,
DERIVED FROM THE STATE PAPERS
CONTAINED IN THE PUBLIC OFFICES OF GREAT BRITAIN.

BY GEORGE CHALMERS.

*Edited by John Langdon Sibley, with a preface by
Jared Sparks.*

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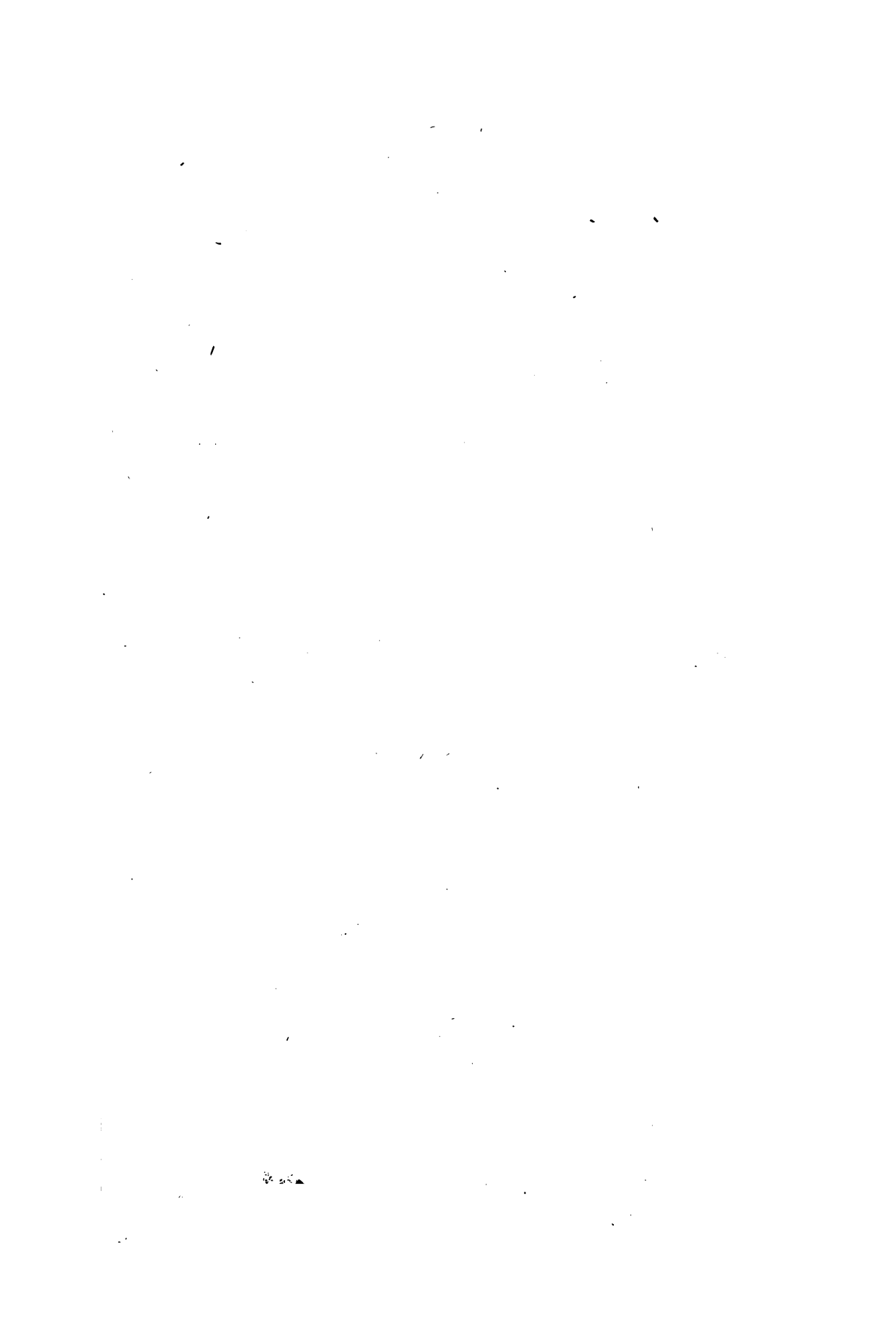
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BOOK EIGHTH.

REIGN OF GEORGE THE FIRST.

1714 — 1727.

BOOK EIGHTH.

REIGN OF GEORGE THE FIRST.

1714-1727.

CHAPTER I.

INTRODUCTION. — General State of the Colonies. — Removals from Office. — Degradation of the Board of Trade. — Appropriations of the Revenue. — Bill for regulating Charter Governments. — Governors of the Colonies not to approve Laws affecting Trade, without a suspending Clause. — Population. — Commerce.

In August, 1714, George the First succeeded to the crown of England, and to the transatlantic territories belonging to it, under the parliamentary entail of the two preceding reigns. An event so interesting to men whose allegiance was again transferred to a new sovereign and a new family, was communicated to the colonies by orders, which, owing to shipwreck, were never received. And, without formal notice of his accession, that monarch was announced with universal joy; since many, without knowing it, wished for self-government, and few regarded the pretender to his title. Of all the plantations, Maryland alone thought herself bound by divine dispensation to acknowledge, by act of assembly, "that, on the dissolution of Anne, of pious

memory, George was, and of right ought to be, by the laws of the realm of Britain, their sovereign liege lord." And without objecting, with the spirit of Anne, to the incompetent recognition of a local legislature, the compliment paid to his right was graciously received by George, because attentions are, on every occasion, pleasing.

Though that prince had thus gained great apparent power over the transatlantic dominions of the crown, his real influence could have been only equal to the weight of his feeble predecessor. The early conduct of his ministers was little calculated to enlarge the sphere of his authority, at a time that the native principles of the colonists acquired from their futility additional strength. With the self-sufficiency of new men, they removed governors and other officers, however experienced and approved, in order to make room for numerous dependents, who claimed a participation in their good fortune. They degraded the Board of Trade from a station of great influence, as well as use, which that respectable body had held since their institution, with great credit to themselves and advantage to the nation, to a commission of mere reference and report. And, like the statesmen of the two preceding reigns, they too often adopted measures without consideration, which they as easily relinquished when they were opposed.

Ministers, as well as men, reason and act from the circumstances in which they are placed. While Lord Oxford's successors were engaged in his persecution, like him, they sat down to consider how to oblige the colonies to alleviate the burdens of Britain; since the expense alone of the cruisers for the protection of colonial commerce now amounted annually to £115,630. One of the first acts of the first Parliament of the new monarch, directed the taxes imposed during the reign

of Charles the Second, that had acquired the distinguishing name of "plantation-duties,"* to be paid into the exchequer, because, with other imposts, they had been appropriated as a fund for borrowing. The revenue of the posts, established over every dominion of the state a few years before, was now applied towards the support of the dignity of the crown. And, in July, 1717, Secretary Addison asked the Board of Trade for, what he thought it of importance to possess, "an account of the royal revenue in the colonies." But, while the ministers endeavored thus to derive petty aid from colonial contributions, they did justice to colonial confidence by discharging bills of exchange, which had been drawn, to the amount of twenty-four thousand pounds, during the late expedition to Canada, and had been left unpaid by the late managers.

George the First was scarcely placed on the throne, when embarrassments flowed around it from the same source whence so many perplexities had poured in on his predecessors; which wise men had early foreseen, and good men vainly deplored. In August, 1714, Sir Edward Northey discovered, "that the mischiefs in proprietary governments cannot be remedied but by an act of Parliament, since they have power to make laws by their charters, which cannot be regulated but by an act of the supreme legislature." Informed that eight of the twelve continental colonies still enjoyed real independence under chartered forms, the Board of Trade wisely supported that judicious advice, by representing, "that, since neither Carolina nor Maryland, Connecticut nor Rhode Island, were obliged to submit their laws to royal revision, an act of Parliament was necessary to compel them to do that, without which it was

* That system of revenue yielded net into the treasury, on an average of the four first years of the late war, £917; of the four last years, £1102.

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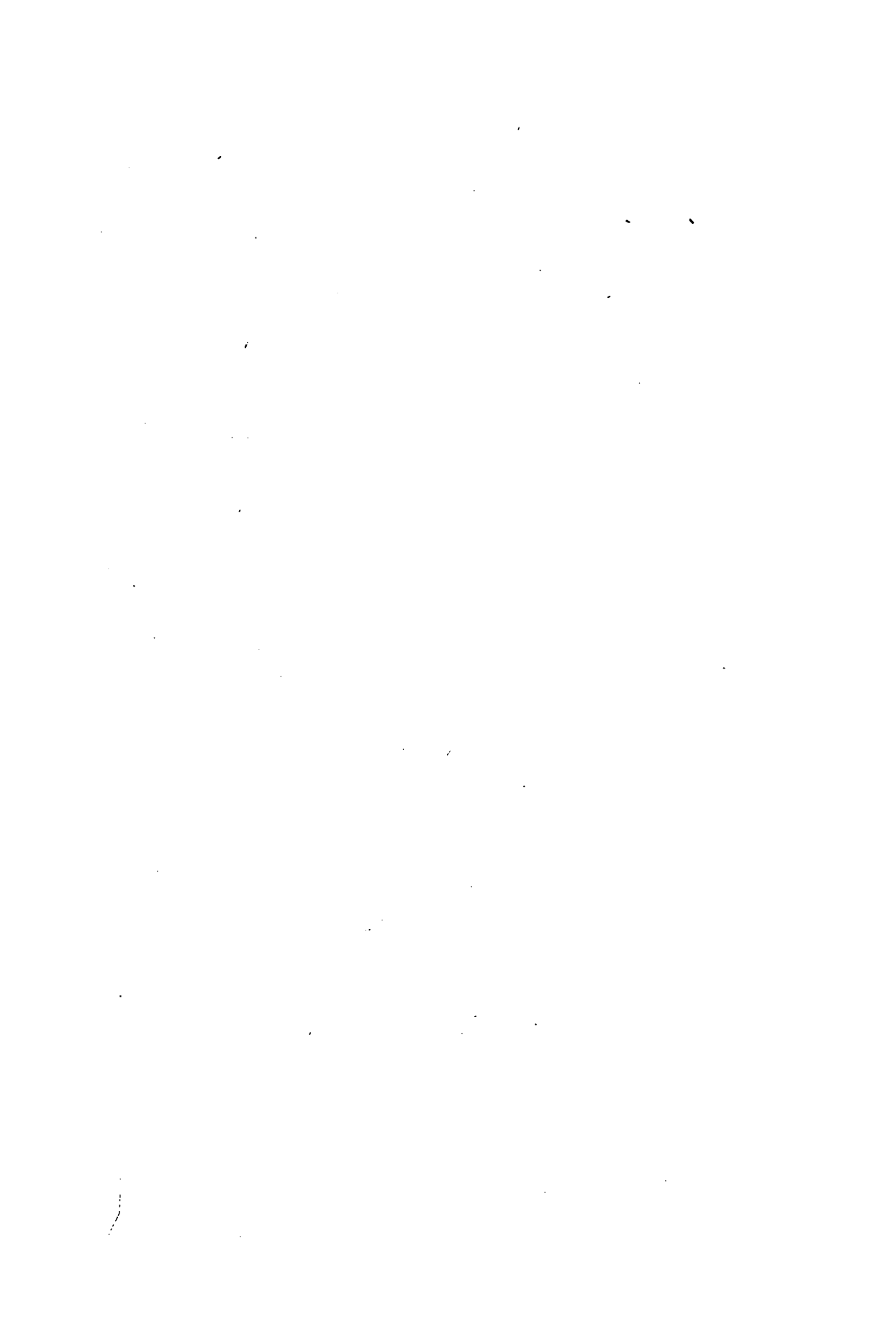
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BOOK EIGHTH.

REIGN OF GEORGE THE FIRST.

1714 — 1727.

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In August, 1714, George the First succeeded to the crown of England, and to the transatlantic territories belonging to it, under the parliamentary entail of the two preceding reigns. An event so interesting to men whose allegiance was again transferred to a new sovereign and a new family, was communicated to the colonies by orders, which, owing to shipwreck, were never received. And, without formal notice of his accession, that monarch was announced with universal joy; since many, without knowing it, wished for self-government, and few regarded the pretender to his title. Of all the plantations, Maryland alone thought herself bound by divine dispensation to acknowledge, by act of assembly, "that, on the dissolution of Anne, of pious

memory, George was, and of right ought to be, by the laws of the realm of Britain, their sovereign liege lord." And without objecting, with the spirit of Anne, to the incompetent recognition of a local legislature, the compliment paid to his right was graciously received by George, because attentions are, on every occasion, pleasing.

Though that prince had thus gained great apparent power over the transatlantic dominions of the crown, his real influence could have been only equal to the weight of his feeble predecessor. The early conduct of his ministers was little calculated to enlarge the sphere of his authority, at a time that the native principles of the colonists acquired from their futility additional strength. With the self-sufficiency of new men, they removed governors and other officers, however experienced and approved, in order to make room for numerous dependents, who claimed a participation in their good fortune. They degraded the Board of Trade from a station of great influence, as well as use, which that respectable body had held since their institution, with great credit to themselves and advantage to the nation, to a commission of mere reference and report. And, like the statesmen of the two preceding reigns, they too often adopted measures without consideration, which they as easily relinquished when they were opposed.

Ministers, as well as men, reason and act from the circumstances in which they are placed. While Lord Oxford's successors were engaged in his persecution, like him, they sat down to consider how to oblige the colonies to alleviate the burdens of Britain; since the expense alone of the cruisers for the protection of colonial commerce now amounted annually to £115,630. One of the first acts of the first Parliament of the new monarch, directed the taxes imposed during the reign

of Charles the Second, that had acquired the distinguishing name of "plantation-duties,"* to be paid into the exchequer, because, with other imposts, they had been appropriated as a fund for borrowing. The revenue of the posts, established over every dominion of the state a few years before, was now applied towards the support of the dignity of the crown. And, in July, 1717, Secretary Addison asked the Board of Trade for, what he thought it of importance to possess, "an account of the royal revenue in the colonies." But, while the ministers endeavored thus to derive petty aid from colonial contributions, they did justice to colonial confidence by discharging bills of exchange, which had been drawn, to the amount of twenty-four thousand pounds, during the late expedition to Canada, and had been left unpaid by the late managers.

George the First was scarcely placed on the throne, when embarrassments flowed around it from the same source whence so many perplexities had poured in on his predecessors; which wise men had early foreseen, and good men vainly deplored. In August, 1714, Sir Edward Northey discovered, "that the mischiefs in proprietary governments cannot be remedied but by an act of Parliament, since they have power to make laws by their charters, which cannot be regulated but by an act of the supreme legislature." Informed that eight of the twelve continental colonies still enjoyed real independence under chartered forms, the Board of Trade wisely supported that judicious advice, by representing, "that, since neither Carolina nor Maryland, Connecticut nor Rhode Island, were obliged to submit their laws to royal revision, an act of Parliament was necessary to compel them to do that, without which it was

* That system of revenue yielded net into the treasury, on an average of the four first years of the late war, £917; of the four last years, £1102.

impossible to enforce their submission." With this salutary purpose a bill was brought in by the Commons, early in the subsequent year, for regulating charter governments. But, having been opposed by the usual zeal of men, who see their interest or their independence endangered, the present measure was obstructed by the means which had defeated all preceding attempts. It was thrown out, because the ministers, ignorant of colonial affairs and engaged in ignoble contests for power, seem to have had no settled purpose to support it.

The committee, "appointed by the Parliament, to inspect into the miscarriages, and to prepare a bill to resume the grants, of proprietary governments, were at a loss, it seems, to fix on proper reasons for doing thereof; since those concerned therein, by their authority and craft, stifled the evidence that might prove it most necessary." In July, 1716, Stephen Goden, a British merchant, generously offered to the Board of Trade "what he thought most weighty, and what ought to weigh most with all lovers of their country." The charters having provided, said he, that the assemblies shall make no laws repugnant to the constitution and advantage of Britain, what can be more repugnant to both than to burden, by unequal taxes, the manufactures and shipping of this kingdom, whose traders they call strangers in respect of their own? Thus, in Carolina and in Pennsylvania, wines of Madeira pay in the first double, and in the last much more than if they belonged to the livers in both; and the like impositions are laid upon vessels that are not built in those places, to encourage their own; thus British traders are treated as aliens in their own colonies; a duty is likewise laid upon the importation of English manufactures, to promote their own. Now the proprietors, by ratifying such acts of assembly, thereby forfeit their charters; else

they may be truly termed independent of the crown and laws of Great Britain, *as is often asserted in those assemblies*. The representation of Goden, equally judicious as it was well founded, urged the Board to inquire into its facts, and to consider its policy; and, in September, 1717, a royal order was transmitted to governors, who were either not bound to obey, or who were too dependent to offend those who fed them, "to pass no laws which may affect the trade of this kingdom, unless their operation is suspended till the royal assent is obtained." Thus pretension was urged because contempt had been often confirmed.

Owing partly to the causes suggested by Goden, the population of the continental colonies had now swelled to 434,600 persons, including, at the commencement of the present reign, 375,750 white people, and 58,850 slaves;* and, with the successive augmentations of their numbers, their energy and their traffic had both been extended in proportion. From the smallest beginnings, the commerce between Britain and those settlements at length annually engaged upwards of thirty-four thousand tons of shipping. The value of the exports thither, on an average of the three first years of the present reign, amounted to £395,619; of the imports

* The following detail will show more precisely the populousness of every province, and exhibit the relative importance of each, during the year 1715.

	White men.	Negroes.	Whole.
New Hampshire,.....	9,500	150	9,650
Massachusetts,.....	94,000	2,000	96,000
Rhode Island,.....	8,500	500	9,000
Connecticut,.....	46,000	1,500	47,500
New York,.....	27,000	4,000	31,000
New Jersey,.....	21,000	1,500	22,500
Pennsylvania,.....	43,300	2,500	45,800
Maryland,.....	40,700	9,500	50,200
Virginia,.....	72,000	23,000	95,000
North Carolina,.....	7,500	3,700	11,200
South Carolina,.....	6,250	10,500	16,750
	375,750	58,850	434,600

to £339,138. The politicians who regard, as the supreme good, the balance of traffic that is supposed to run into a nation, could derive no great consolation from £56,481, the difference between the value of exports and imports. The domestic commerce, which those northern provinces carried on with each other, was now nearly equal to that with the parent country. The trade to the West Indies, British and foreign, to the Azores, and to Europe, was of larger extent than both. And it may thence be inferred, that the whole navigation of the plantations on the continent annually required, at that epoch, two hundred and four thousand tons of shipping. As complaints against the irregularities of the smuggler were still continued, the second order of the present king was transmitted to the governors, in August, 1714, "to take care that no illegal trade be carried on with the French settlements." It was lamented, that, as men grew richer, they became more confident, and, in proportion as they acquired greater boldness, the planters contemned; with a more resolute spirit, commands, which they had beheld often disobeyed without involving delinquency in punishment.

CHAPTER II.

MASSACHUSETTS.—Complaints against the People for their Encroachments on the Prerogatives of the King.—Shute made Governor.—General State of the Colony.—Second Loan issued, in Paper Money.—Shute's Conference with Indians, in Maine.—Attempts to protect Masts reserved for the Navy.—Contests between Governor Shute and the Assembly.—Laws imposing Duties on British Ships and Manufactures disallowed.—Boundary Question.—Attempts to restrain the Freedom of the Press.—Depredations of the Indians, and War with them.—Shute's Departure for England; his Charges against the Assembly.—Lieutenant-Governor Dummer's Administration.—Explanatory Charter.—Synods of Churches declared to be illegal.—New Laws of Trade.

THE wisest regulations, executed with the perseverance of system, can alone change the customs of a people. Neither the policy of prior reigns, nor the conduct of the present, was of a nature to make any alteration in New-English habits, religious or political. And the democratical reasonings of the planters produced continued disaffection, because tumult always procured concession. Cummings, the intelligent surveyor of the customs, informed the Board of Trade, in August, 1716, "that the officers of the revenue meet with many discouragements in these proprietary governments, where all persons appointed by the crown are looked upon as an imposition." Bridger, the surveyor of the woods, added his testimony two years after, which he seems to have given on his own experience, "that all belonging to the crown are so obnoxious to the people in New England, since their minds had been poisoned with republican notions, that it is very dangerous to travel alone." Having discov-

caution. He soon discovered the importance of legal fictions in a country governed by law. As six months elapsed without receiving any confirmation of his powers, the council, regarding his commission as no longer invigorated by act of Parliament, assumed the administration under the authority of the charter. Dudley regained his command in March, since the royal commands now restored him to power. Yet he was soon removed, though he had governed with approbation in difficult times, in order to make room for Burgess, who, having fought under general Stanhope, now claimed a participation in his greatness. Yet, fonder of present gain than of dependent preëminence, the new governor sold his patron's favor for one thousand pounds to Shute, who had also served with reputation in the wars of William and Anne. This officer's religious and political prepossessions, no less than his natural imbecility, rendered him one of the least qualified men in England for the arduous station he courted. While the Board of Trade copied his commission from Dudley's, they doubted with regard to the propriety of empowering him to command the militia of Rhode Island, which his predecessors had enjoyed since 1691, because her agent put them in remembrance of her charter. Sir Edward Northey told them, in language that ought to have removed their scruples, "that he could not see but that a king of England might put the disposition of the military force of a foreign plantation in a subject, as well as the powers of government." Yet they thought themselves justified by the opinion of Ward and Trevor, in 1694, to continue an authority, which, having never once been executed, only enfeebled the power that gave it. That Addison should have approved of a measure impolitic, not to say illegal, will not surprise those who know that he has not derived much celebrity from his

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qualified him, as a judge, to decide the controversy. While he questioned whether the corporation could have legally purchased of Gorges, since their charter contained no special license for the acquisition of lands, he gave it as his opinion, that, the patent being vacated by a judgment of a competent court of justice, its privileges reverted to the crown ; and, though the general property in the soil had been transferred to the people by the charter of William, yet it must be deemed subject to the reservation of the masts to the crown. Having approved of this judicious report, the Board sent it to the treasury with a request to transmit it to the governor, to be laid before the assembly ; and they endeavored to enforce their advice, by remarking, "that, should this policy prove ineffectual, a *scire facias* ought to be immediately brought against their patent." Whilst Bridger ran personal hazards in defence of the rights of the nation, the ministers superseded him, though he had faithfully performed his duty, in order to gratify Dummer, the agent, who at once gained applause in the province, by removing a zealous officer, and money, by the sale of the office. With a spirit which merited greater attention, the Board sent a remonstrance to the lords of the treasury ; "We hope Burniston is not to act by deputy, as we have reason to believe that a deputy will not be able to execute the office ; since Bridger, who is allowed to have every qualification, and has been very active, has not been able to hinder the ill-disposed inhabitants from committing great waste."

This singular contest, in which we see the rights of England vigorously attacked by the provincials and feebly defended by her rulers, begat disputes, which, while they agitated this turbulent province almost beyond example, compelled the governor at length to retire. The public as well as the private conduct of

Cooke induced Shute, in an evil hour, to exercise the right, that the charter conferred, of denying him a seat in the council, to which he had been chosen by the delegates' favor. The disapprobation of the governor conferred the applauses of the colonists on a man, whose malevolence never ceased to pursue the object of his hate till he had driven him from the province. The assembly of May, 1718, endeavored to promote the interests of religion, by "more effectually providing for the support of ministers," by compelling every sect to support the Independents, contrary to the spirit of the charter; they showed a laudable attention to literature, by enforcing the law, which required every town "to maintain a grammar school." While, from the prodigious depreciation of the paper, the commercial interests of the province were injured, they gave encouragement to the raising of hemp, in order to promote domestic manufacture. They attempted to extend their fishery by improving the staple, by a law which was disapproved of in England, because foreigners complained that the merchandise was of less value than ever, as additional frauds were committed. For the payment of internal charges, the delegates granted a duty on all ships but their own, on the importation of British manufactures; but ordinances, which were regarded "as a great hardship on British owners," met with the royal dissent; the Board of Trade recommending, that the assembly should be warned, "that the passing of such acts may endanger their charter; that the governor ought to be put in remembrance of his oath."

Having gained from the treaty of Utrecht a right to the island of Cape Breton, the French endeavored, with their usual address and activity, to draw from it every advantage. They soon frightened the English colonists

with another Dunkirk; they gained the affections of the neighboring tribes; and they extended the advantages of fishery. But their prosperity attracted the envy of the provincials, who have but too often complained of encroachment, when they should have imitated the example which their diligence set before them. Yet, during the year 1718, Shute sent to Louisburg an active officer to remonstrate against French practices, who, when he found that neither his arguments nor his threats were regarded, destroyed the huts that the fishers had erected on the litigated shores of Nova Scotia. Reiterated complaints had been made by the New-English, during the present reign, which, with recent occurrences, induced the ministers to think of deriving every benefit from the late pacification, that had been exploded by them as dangerous in principle and defective in stipulation. With this view, Bladen and the younger Pulteney were sent to Paris, in August, 1719. Having sat down to form their instructions, the Board of Trade were alarmed, when they discovered, what had really existed since the reign of William, that the French had formed the dangerous project of settling from the confluence of the river St. Lawrence, along the great western lakes, to the mouths of the Mississippi. When they perceived the astonishing increase of the French power, they feared that one day it might prove the destruction of the British; never reflecting, in the moment of alarm, that Massachusetts alone contained five times the number of the French settlers, and advanced to power and greatness with five times greater rapidity. The superiority of France consisted only in the consistency and vigor of her counsels at home, in the simple forms of her transatlantic governments, in the greater talents and obedience of her provincial officers. The intelligent persons, who were consulted

by the Board, with regard to this interesting business, differed widely in opinion. Harris contended against the settlement of general boundary, because "we should lose what we give up." Foreseeing all the difficulties of discussion, Cox, whose views were larger, since he had reflected more on better information, insisted that much should be relinquished, that we might enjoy the remainder in peace; and he actually proposed, what was established at the peace of 1763, that the course of the Mississippi should be the future limits; ceding to the French the western shore, on condition that they resigned to us the eastern. The Board determined, since it seemed to be the sense of the ministers, to give instructions only with regard to the adjustment of the rights of fishery and the extent of Nova Scotia. In reviewing the colonial policy of England, it is amusing, and at the same time unpleasant, to remark, how often statesmen drew conclusions directly contrary to their own premises. . Bladen and Pulteney spent many agreeable hours with the Marshal D'Etrées and the Abbé Dubois, without gaining the inconsiderable object of their embassy.

In Massachusetts, the session of 1719 passed away in contests between the two houses, with regard to the laws which had been rejected the preceding year in England; the delegates imposing the same taxes on British manufactures and ships, the council amending their bills in order to avoid future danger. The governor drew aside the veil which concealed the weakness of his sovereign's power, by entering into a formal contest with the representatives, in respect to the right of printing. Having denied his request "to publish no remonstrance against Bridger," the feeble defender of the king's woods, he informed them, that he had been invested with a jurisdiction over the press, which he was determined to exert, by preventing publication.

Against the contumacious printers, he applied, to no purpose, for the advice of his counsellors and the aid of his attorney-general, since neither could find any law to support a prosecution. And, having complained of his dilemma to the Board of Trade, they observed the most prudent silence. It is from the year 1719, that we ought to date the freedom of the press; which, thenceforth, poured forth its libels, numerous and virulent, in proportion to the late restraint, without distributing, as an antidote, the productions of genius or the warnings of morality.

When the assembly convened in May, 1720, a year, of which it was remarked, that trade declined, and dissensions rose to a greater height than since the religious feuds of 1637, contest began with the choice of the speaker. Shute denied his approbation to Cooke, whom he had already expelled the council for his republican principles and seditious conduct. The delegates firmly supported their choice, which they regarded as one of their chartered rights, and attempted to proceed on the accustomed business, without regarding the governor's denial. When his persuasions could not induce them to adopt a person who had, at least, offered them no personal insult, he dissolved the assembly with regret, because he foresaw that the same members would be returned, as the electors deemed the denial of the speaker an attack on their privileges. To the Board of Trade he lamented, "that the common people of this country are so perverse, that, when any person is removed from the council for behaving undutifully to the king, he becomes their favorite, and is chosen a representative, in which station he acts the same part." Sir Robert Raymond asserted, that the governor might properly exercise the right of refusal, since the charter gave him a negative in the choice of all officers. But

the judgment of that illustrious lawyer did not decide the controversy, because "the people here pay little or no regard to such opinions, or to the orders of the ministry at home."

Though the same members were returned to the assembly, in July, 1720, a different speaker was chosen, because Cooke was destined for more active duty. Their proceedings evince with what temper they met. They remonstrated against the late dissolution in such language, as showed how much they resented the disgrace of their predecessors. They chose officers by their own votes, though by the charter the consent of the counselors was requisite. They informed the governor, that, "considering the low circumstances of the province," they would, in future, allow of no expenses for the accustomed rejoicings on the king's birthday. They rejected several bills sent them by the council; for preventing illegal trade to Cape Breton, for prohibiting riots and libels; because "some imaginary ill-advisers were to be given up to the resentments of the multitude." The governor had cause to complain, "that he was reduced to the sad necessity of infringing his instructions, or risking his support by offending the House." They offered Dummer, the lieutenant governor, as his salary, thirty-five pounds of depreciated currency, which he rejected with the disdainful spirit that had dictated the insult. Having made an unusual adjournment, they sufficiently expressed their contempt for the royal authority, by neglecting to assemble when the governor formally called them.

The dissatisfactory conclusion of the treaty with the eastern tribes, in August, 1717, did not promise lasting tranquillity. Having every year evinced the depth of their resentment, by committing murders, as they perceived the settlers advancing on their hunting-

grounds, they plundered the village of Canso, in Nova Scotia, and, not long after, committed depredations on the adjacent frontiers in Massachusetts. The governor wisely endeavored to prevent, by amicable conference, ultimate warfare, from which neither glory nor advantage could be expected in return for its certain expense and danger. The assembly having, meanwhile, convened, the delegates instantly passed a resolve, which amounted to a declaration of war; which, however, the council rejected, since they perceived, with regret, that it tended equally to involve the province in bloodshed and to invade the royal prerogative. While the governor justly regarded the resolution as an insult offered to his powers, the representatives adopted a measure that sufficiently evinced the extent of their aims; they determined to appoint proper persons to superintend the garrisons, to muster the forces, and to pay no money for the support of either, which had not been previously approved by this military committee. And, though Shute laid before them the royal requisition to allow him an honorable establishment, they deducted one hundred pounds from his scanty allowance. He informed the ministers, in June, 1721, "that the assembly, composed of men more fit for the affairs of farming than for the duty of legislators, showed no regard to the royal prerogative or instructions, but endeavored to transgress the limits of the charter, though he was, indeed, supported by the council, who themselves wanted assistance."

While the members were thus predisposed from their connections and their habits, to take directions from men who hoped to gain from their delusion, the assembly met in March, 1721, to no salutary purpose. Without ceremony, they disregarded every recommendation of the governor. As Shute had neglected, what had been usual at the beginning of every year, to appoint a public

fast, the delegates appointed a committee to join one of the council, to form a proclamation for a purpose so agreeable to ancient practice; but the council declined, prudently, to engage in an appointment which belonged to the chief magistrate alone. The representatives were equally disappointed, when they proposed the nomination of a committee to seize, for the use of the province, the royal timber; supposing, that, though the trees when growing were the property of the king, when severed, they became the right of their constituents. During this unhappy temper, in vain Shute, with the best intentions, recommended a peaceful behavior as their truest interest. Animated by the revenge of their leaders, the delegates returned contempt for conciliation, and urged their pretensions, as he seemed to recede. They resolved to allow no salaries, either to him or to other officers, till he had assented to the acts and resolutions of the session. And they finally adjourned themselves without the consent of the governor, who was thus obliged to dissolve them. The vehement proceedings of one party, and the unassuming conduct of the other, impressed the court and the people of England with the same sentiment. Dummer, the provincial agent, thought it his duty to give warning, "that, when they find a governor, fitted to make any people happy, is made uneasy in New England, they conclude, that we would have no governor at all from hence, but want to be independent of the crown." He soon after received the dismissal, which he seems to have foreseen, from his communication of *unnecessary truths*.

While the provincials, actuated by their natural dissatisfactions, became more averse to the governor, and their representatives, governed by their principles, urged innovation, the eastern Indians continued their depredations rather than began serious hostility. When they

had received ample supplies and final instructions from the French, they commenced the war, in June, 1722, since the English, though they had proposed the renewal of peace, had retained possession of their lands. And war was formally announced against them in the subsequent month. The assembly having, meantime, convened, the representatives seem to have been inspired by their late maxims of aggrandizement; though, with an appearance of moderation, they promised all necessary assistance. A committee of the two houses having appointed the number of troops and their pay, the delegates determined in what service they should be employed. When the governor put them in remembrance, that the chief military command belonged to him as the royal representative, they passed a resolution, which had the effect of command, to dismiss Moody, the general of the forces. But he thought it unjust to disgrace an officer without hearing his defence, and promised to inquire into his conduct. The soldiers naturally deserted from a service attended with great fatigue and inconsiderable profit, since their commander's authority was thus enfeebled, and there was no law to punish disobedience. When Shute recommended this dangerous defect to the consideration of the assembly, the delegates appointed committees to inquire if the desertion of the troops was not owing to the misconduct of their superiors. The embarrassments of a war, arising rather from internal faction than from foreign force, made it necessary to call in the powerful aid of the six confederated tribes. When the Indian commissioners arrived at Boston, the representatives insisted, with their usual spirit, that the governor's conference with them should be conducted by a committee of the two houses. And, though he condescended to send them the speech which he designed to deliver, they finally refused to give their

approbation to his measures, unless he spoke in the name of the assembly and admitted them to be present, as parties to the intended treaty. The governor submitted, though the novelty struck the tribes, who are observant of ancient forms, because they had always been addressed in the name of the great king. And, when a committee of this province met the Six Nations in formal convention, in September, 1724, at Albany, they showed, by their disinclination to engage in the contest, that they disapproved of the principle of the war; and they advised, as the only means that could regain tranquillity, "to restore the lands and captives of the Indians." A war, conducted under such circumstances, could not be successful. As the delegates had already removed one commander, they now attacked his successor. The governor having declined rather than refused to recall Walton, during the operations of the campaign, to explain to them his conduct, they determined, that this circumstance discouraged them from projecting schemes for carrying on hostilities with advantage. The obnoxious officer was at length dismissed, yet the House was not gratified. And, perceiving an advantage in a conciliatory speech of their opponent, they resolved, at the conclusion of the session, that a committee of the council and delegates should be appointed to meet during the recess, for contriving military projects, which the king's representative might execute.

In December, 1722, Shute departed suddenly for England, because, knowing that the numbers and the virulence of his enemies increased, he feared for his personal safety. That they should have forced from his station a governor, whose religion was congenial with their own, whose talents were unequal to any purpose of encroachment, whose moderation was satisfied with a petty and precarious maintenance, is a singular proof

of their principles. He was one of those well-meaning men, who in private life gain some respect because they are harmless; but he possessed not even the minute diligence which enables official men of little parts to transact great affairs; and the Board of Trade repeatedly threatened to lay his neglectful conduct before the king, since they received from the newspapers the earliest and best accounts of his province. He had scarcely departed, when the representatives, in characteristic language, declared, "that they were not conscious of having given any cause for the governor's withdrawing in this unheard-of way." And they prepared, by their agents, to make a vigorous defence against the accusations, which they knew it was his purpose to lay before their common sovereign.

To the king, Shute presented a memorial, in August, 1723, contradictory in its facts and inconclusive in its reasonings, as he seemed afraid to tell the whole truth. He stated, "that, having found the representatives of the province possessed, from the charter, of almost the whole of the legislative and executive power, they exerted upon all occasions a greater authority than even the Commons of Britain; that, since they assemble twice a year at Boston, a town containing eighteen thousand inhabitants, who, destitute of proper police, and many of them actuated by a levelling spirit, were but too apt to be mutinous, the delegates from every distant district were too easily influenced to make continual encroachments on the few prerogatives left to the crown." After urging these topics, though in guarded language, he accused the representatives of the province of five specific offences; that they had appropriated to their own use the royal woods; that they denied the governor's right of disapproving their speaker; that they made long adjournments without the governor's consent;

that they had voted a public fast without his knowledge ; that they had endeavored to wrest the sword from the king's hands. Yet he thought it but just to the province to represent, that the whole clergy and the generality of the people were zealously attached to the family of Hanover and the present settlement. He did not advert, because he was blinded by religious prejudice, that, since no one could be chosen a representative but the resident in the county or the town, the collective body must necessarily have spoken the sentiments of the men who chose them ; and, though they undoubtedly preferred George rather than James as a king, yet, incited by "the levelling spirit of Boston," they would much rather have been governed by themselves than by either. The Board of Trade were too wise to rely on the feeble representations of Shute. Having "made the best inquiry," they found that the various charges were verified by the *votes and proceedings of the delegates*, which they had themselves printed for their justification ; which, however, evinced how disingenuously as well as undutifully they acted. The Board remarked, "that, from the unequal balance of their constitution, daily inconveniences occur ; and it was apparent, from recent transactions, that the inhabitants are endeavoring to wrest the small remains of power out of the hands of the crown, and to become independent of the mother country ;" and, having shown the extent of their populousness, the strength of their militia, the annual augmentations of their commerce, they inferred, "that so powerful a colony should be restrained within the bounds of obedience to the crown, and more firmly attached to the interest of Great Britain than they at present seem to be ; which cannot be effectually done without the interposition of the British legislature ; and no time should be lost." Even the city of London

clamored against the New-Englanders. The ministers only remained in tranquillity.

When the administration devolved on Dummer, the lieutenant-governor, he avoided carefully a contest which had driven his predecessor from the field, though his antagonists continued their former attacks. Having resolved, with their accustomed spirit, "that the complaints of Shute were groundless," they thought it prudent, however, to prepare for their defence. They naturally sent Cooke to England, as their agent, since he, who had known how to raise the present embarrassments, was the best qualified to extricate them. Barbarous hostility continued, meantime, to desolate a miserable country; whose people were impotent, because they were divided; whose councils were feeble, since they were distracted. When they, at length, thought themselves unequal to the war, though their fifteen thousand militia were only opposed by five hundred Indian hunters, they applied to Rhode Island, Connecticut, and New York, for aid. But they received the mortification of a denial, which every community must expect, who, during the most arduous struggles, think themselves weak. Of this unfriendly conduct the assembly complained to their common sovereign, in June, 1725; stating the causes of the contest, the intrigues of France, the greatness of their losses by sea and land; and begging for the royal requisition to the several colonies, requiring their quotas, and to the Six Nations commanding their aid. Though they granted, themselves, no requests, the Board of Trade thought their present prayers ought to be complied with, because they seemed to be reasonable. The war at length expired, in December, 1725, as both parties were tired with a three years' fruitless exertion, leaving, by their treaty of peace, the same causes to produce similar contentions in future.

In the mean time Shute's complaints were referred to two men, the most capable of forming a just estimate of the pretensions and conduct of both parties, Sir Philip Yorke and Sir Clement Wearg, because the Board of Trade had given already a decisive opinion. Having heard all that lawyers could say on topics that admitted of little controversy, they reported, with a judgment and candor worthy of them; that, as to the exclusive choice of a speaker and to the practice of adjournment, they could not consider a mistake in point of law as a wilful encroachment; but that, with regard to the other accusations, the pretensions from which they arose must be deemed unwarrantable invasions of the regal authority, tending to weaken the dependence of the colony, that justified the expression "of their endeavoring to wrest the sword from the royal hands." Dissatisfied, however, because they were pertinacious, with a report dictated by ingenuity and framed with moderation, the agents desired to be heard by the privy council before they should give their final decision. The representatives' counsel relinquished their conduct and claims, since they had found them all indefensible, except only as to the governor's denial of a speaker and their power of adjournment. It was at length adjudged, that Shute had made good his charges, and had acted faithfully; that the conduct of the delegates not only tended to weaken their dependence, but was of evil example to other settlements; and the committee of the privy council recommended the granting of an explanatory charter, with regard to the choice of a speaker and to the power of adjournment.

The trivial paper, that had thus been advised by impolicy, the Duke of Newcastle not long after transmitted to Dummer, with a threat which is but too often dictated by impotence, "that, if it were not accepted, it

would be necessary to submit to the consideration of the legislature what might be further necessary for the support of the just authority of the crown." The delegates did not hesitate a moment in accepting the explanatory charter, in such language as implied that a favor had been done them, because it confirmed, by positive declaration, the old ; it invigorated that constitution, the unequal balance of which had been represented as the cause of constant inconvenience ; it gave force to those reasonings of permanent operation, which the representatives had used to justify recent encroachments ; which were pregnant with sovereignty, and therefore, in due season, brought forth independence. When Shute applied for payment of the arrears of his salary, the Board of Trade once more attempted to inspire the ministers with wisdom. In March, 1726, they represented, "that, since the people had, in opposition to the royal instruction, reduced the governor to an avowed dependence, it would be proper that he should be paid a salary by his majesty at home, till the inhabitants of Massachusetts can be brought to a better temper." The ministers declared, that it was both just and necessary, that the assembly should grant a fixed and honorable establishment. The Board admitted the truth of a position which could not be denied, but in such terms as implied, that they considered the obtention of so desirable an object as beyond their influence or power, because their records demonstrated how often the same measure had been adopted without success. They recommended, however, that Shute should be again sent back, in order to convince the provincials with what vigor the king will support his faithful servants ; that he may have the honor to carry the royal requisition of a standing allowance of one thousand pounds sterling. But they remarked, "that, should they

not comply, there was no method so effectual as to lay a state of the province before the Parliament." While the governor quietly retired on a pension, there was here laid the foundation of future contest, in which the vigor of the delegates obtained an easy but decisive victory over the imbecility of statesmen, who sacrificed the royal authority and the national rights to their own ease.

Meantime as the triumphant conduct of the delegates recalled to the remembrance of the pastors the felicity of chartered times, when they had enjoyed almost coördinate power, they thought themselves entitled to present participation. In May, 1725, they solicited the assembly to call a synod of the churches, "as five and forty years had now rolled away since they had seen such conventions." The episcopal ministers having opposed what they thought injurious to them, the application was postponed till the subsequent session. Bishop Gibson gave warning to the duke of Newcastle of the danger, "lest it should give a fresh handle of complaint among the clergy here, who are apt to clamor for a sitting convocation." Sir Philip Yorke and Sir Clement Wearg declared so strongly against the illegality of the intended synod without the royal consent, that none has been since held in New England. Dummer was reprimanded for seeming to approve of a measure, thus dangerous and illegal, without communicating what appeared as inconsistent with the royal prerogative as with the peace of the province. By accepting such a salary as the delegates thought proper to allow, by permitting without objection the two houses to rule, he allayed for the present the spirit of independence; and, by thus indulging it, insured the public tranquillity till the arrival of a new commander-in-chief.

Various complaints having, amid the foregoing trans-

actions, drawn the attention of Parliament, it was perceived, in 1721, that former laws had proved ineffectual, that new regulations were necessary. Additional encouragement was now given to the production of naval stores, as the provisions of the late reign had been found beneficial, by giving a bounty equal to the freight on the importation of hemp from the plantations ; but, as a bad quality had been discovered in their tar, the former benefit was withdrawn, unless a certificate were sent that it had been raised in a mode prescribed. The duty on the importation of timber from the colonies was judiciously withdrawn ; the taxes, which, to the disgrace of English policy, had been hitherto paid on the export of the national manufactures, were forever abolished by an act, that has conferred celebrity on Walpole. The custom on the importation of beaver was lowered ; but the copper ore of the colonies was enumerated, and could therefore in future be only sent to Britain. Never were there so many laws favorable to traffic passed in one session as during that of 1721 ; none could be more important to the colonists, because, while their commercial ardor was roused by giving rewards to their diligence, by facilitating a trade so essential to every country covered with woods, they were enabled to supply themselves with European manufactures, cheaper in proportion to the taxes withdrawn, and to the competition that from this circumstance arose among the merchants who sold them. It is to be lamented, that the various acts of the several assemblies had not been at the same time reviewed, and the duties and double duties removed from British merchandise, the tonnage on British ships abolished, and the residents of Britain placed on an equality with the colonists in civil privilege and commercial advantage. What could be more incongruous, or contrary to the first principle of colonization, than to

permit the merchants of England to be treated, within her dependencies, as aliens? The statutes of Anne having been found ineffectual, because modes of circumvention had been practised, heavier penalties were now inflicted on those who should destroy such pine trees as were not growing within the limits of any township. The encouragement, given by those admirable regulations to the exportation of timber of every kind, necessarily promoted the destruction of the king's woods by "an ill-disposed people." The exception in the late law furnished an argument to men, whose acuteness did not require the suggestions of interest. During every succeeding session, the assembly of Massachusetts extended additional townships over the boundless wilderness, in order to free the wood-cutter from recent forfeitures. And it answered little purpose, because they were by all disregarded, to transmit the concurring opinions of those celebrated sages, Yorke and Talbot and Fane, that the late statute had strengthened the king's title by additional penalties; but had deducted nothing from his right to trees growing within a township.

Owing to those salutary laws, to the energy which the colonies thence acquired, to the selfish spirit of their jurisprudence, and to the advantages derived from loans of paper currency, the most important branch of the national manufactures seemed to wither away. In November, 1724, the ship-carpenters of the river Thames complained to their sovereign, "that their trade was hurt, and their workmen emigrated, since so many vessels were built in New England." West, the truly judicious and candid counsel of the Board of Trade, gave it as his opinion; "that, though their grievance may be well founded, they might as well complain of ship-building at Bristol, because the acts of navigation had declared the plantation-built ships should be deemed

English." Yet the honest carpenters were wronged, though they could not explain how. Their injury resulted from a circumstance, illegal and unjust; that the ships of the Chesapeake, the Delaware, and Massachusetts, were respected in the Thames as British, while the river-built vessels were regarded, in Massachusetts, in the Delaware, and in the Chesapeake as foreign. The Board reported, what ought to have roused the ministers of a naval nation, "that they had good reason to believe the number of shipwrights in Britain had diminished one half since 1710; owing to the great number of ships annually built in the plantations, which being sold cheaper, few ships are now contracted for here;" and, considering the importance of so useful a body of men, they proposed, as the least exceptionable expedient, to lay a duty of five shillings the ton on plantation-built ships employed in the foreign trade of England. The simple and just remedy had been, to have declared, by act of Parliament, that British vessels shall not be subject to other burdens in the colonies than their own. What a spectacle, to behold the traders, and even the residents, of a sovereign state treated in her dependent territories altogether as foreigners! The ministers remained inactive, though they were informed that a ship of one thousand tons, and pierced for twenty guns, was then building in Massachusetts for Portugal or Spain.

CHAPTER III.

NEW HAMPSHIRE.—State of the Colony and Government.

THE feeble policy of the late reign, which had placed the little province of New Hampshire under the governor of Massachusetts, was continued during the present; and the inattention, that had formerly given it a carpenter for its lieutenant-governor, now conferred on it a miller. When the Board of Trade perceived, from the gazette, that Vaughan had been appointed to that important trust, they sent a remonstrance to Secretary Stanhope; complaining that they were not apprized before the commissions of governors were passed, since the public service was injured; stating, that, since the chief duty of a lieutenant-governor of this colony is to protect the king's woods, "there would be as much propriety in appointing a wolf to preserve the flocks of England, as to nominate a man concerned in saw-mills to guard from waste the masts reserved for the navy of Britain." Vaughan, however, was received with joy, in 1715, because the colonists expected indulgence from their countryman. He found New Hampshire inhabited by nine thousand five hundred persons, who were masters of only one hundred and fifty slaves; who carried on a flourishing trade in timber and fish, amounting to the annual value of thirty thousand pounds sterling. The form of the government was monarchical; consisting of a governor and twelve coun-

sellors appointed by the king ; of twenty delegates who represented the provincials in assembly. The religion of the Independents had descended to them, as well as to Massachusetts, from the original settlers, and inspired both with the same political tenets. The first assembly thanked the king for appointing one of themselves to be their immediate ruler. For a twelve-month he governed, with all imaginable serenity, a province, which during this short period was said to contain "not ten disaffected persons." But he was soon obliged to complain to the Board of Trade, though he could not explain the cause, unless it arose from the nature of the people, "that their divisions were so great as hardly to be expressed." Amid these distractions Wentworth was appointed in his room, who was also a native ; who seems to have found means to rule for years a turbulent colony in peace. Yet the Board of Trade discovered how just had been their remark to Stanhope, "that it was not for the interest of Britain to appoint men of the country as governors ;" and, with their wonted attention, they remonstrated against five of the counsellors of New Hampshire, "as being principally concerned in carrying masts and timber to Spain, whereby they had greatly contributed to the destruction of the woods."

CHAPTER IV.

RHODE ISLAND and CONNECTICUT.—New Attempts to interfere with the Charters.—Dummer's Defence of the Charters.—Proposition to unite these Colonies with New Hampshire, under a Regal Government.—Report of the Board of Trade respecting the Colonies.—Value of the Imports and Exports.—New System of Colonial Government recommended by the Board of Trade.

RHODE ISLAND and CONNECTICUT continued, during the reign of George the First, to enjoy, from their ancient forms, all the gratifications of self-rule, since they acted without control, and, from a total disregard of the commercial system of England, all the advantages of an unrestrained traffic. Owing to these causes, chiefly, their populousness had increased abundantly. Rhode Island was inhabited, at the accession of that monarch, by eight thousand five hundred persons, who commanded five hundred negroes; and Connecticut contained forty-six thousand inhabitants, who rejoiced in the services of fifteen hundred slaves. While they thus acquired wealth from illicit traffic, former complaints were continually urged, "that their assemblies passed acts destructive of the commerce of Britain, and repugnant to her laws;" in 1716, warnings were transmitted to the Board of Trade, "that, unless they were made more sensible of their dependence, neglects may be attended with very ill consequences, as they are daily growing more numerous and powerful." They were

threatened with the loss of their charters, without making any change in their conduct, because similar threats had never been followed by forfeiture. Owing to the "numerous misfeasances of the proprietary colonies," there was introduced into Parliament, in 1720, the same bill, for their regulation, which had not been supported in 1715, which, in the midst of more interesting objects, was opposed, neglected, and relinquished. It was on this occasion, that Dummer, the agent, published his famous defence of the New-English charters, who, with the congenial spirit of his country, pleaded what was there regarded as decisive, that no king of England, either from original discovery or first possession, had any right to grant such patents. Though Lord Carteret was Secretary of State, he permitted the dedication of a treatise, which denied the sovereignty of Britain over her transatlantic territories ; which offered a demonstration that neither his ancestors, nor himself, had any valid title to the Jerseys or Carolina, though he was a proprietor. As the late measure had failed, because it was weakly designed and feebly maintained, the ministers adopted, in July, 1723, a project, that seems to have been intended rather as a trial of the temper of the colonists, than designed as a settled plan of serious policy. Rhode Island and Connecticut were asked to submit to a regal government, as other plantations had lately done, by consenting to an annexation to New Hampshire. As might have been foreseen, both insisted, in characteristic language, "that they will by no means part with any of their privileges, unless wrenched from them against their minds ;" that, were it practicable to secure their property and their religion, in the proposed coalition, it appeared impossible to remove Massachusetts from its intervenient station. The mortification of refusal, always attended with loss of influence, was

one of the least evils which resulted from recent disappointment, because former practices were continued when the colonists perceived that the counsels of Britain could suggest no mode of prevention. Governed by the same maxims and engaged in similarity of purpose, the four settlements, which had been always known by one general denomination of New England, seemed to have been designed for one province, since a people whose religion and customs, whose forms and laws, are the same, easily coalesce. Yet no power but that of an act of Parliament could perform what sound policy dictated; could remove the singular dissensions of New Hampshire, the apparent revolt of Massachusetts, the innumerable "misfeasances" of Rhode Island and Connecticut; by forming one royal government, that should correct the tendency to independence, which had been long remarked and was constantly deplored.

To the foregoing events it was chiefly owing, that the ministers had lately paid more than usual attention to colonial affairs; in order to discover the causes of universal disorder and to promote the interest of necessary reform. In obedience to special directions, the Board of Trade presented to the lords justices, in September, 1721, a Report, which had required the research of a twelve-month to prepare, which seems to have then exhausted an important subject, and has been since regarded as a monument of laborious inquiry and collected wisdom. Having displayed the geographical situation of the continental colonies, the various forms of their constitutions, the numbers of their people, and the extent of their strength, the Board endeavored to demonstrate their singular importance to the commerce and revenue of Britain. By inquiries at the custom-house, they found, that, upon an average of the three years ending at Christmas, 1717, the value of the *imports* from

the transatlantic settlements amounted to	£1,527,696
Of the <i>exports</i> thither, and to Africa and Madeira, to	£1,048,523
They discovered that, upon the same aver- age, the amount of the imports from the continental colonies was	£382,576
But, since the valuation of tobacco had been established, when, during the reign of William, the price was higher, there ought to be deducted	£80,000
And the real value of the imports could therefore only be deemed	£302,576
The value of exports thither, Foreign goods, £136,141—British, 294,886 =	£431,027
Yet, as the cargoes transmitted to Africa, Madeira, and other countries, ought to be regarded as really sent to the continental colonies, the true export ought to be	£500,000
And they, from this exaggerated statement, inferred, that the value of exports ex- ceeded the imports, in a sum which ought to be considered as a favorable balance, or a debt from the plantations lying northward of Maryland, since the imports from the more southern settle- ments were greater than the exports, by	£200,000
Such were the awkward attempts of the Board, to lower the value of imports, and to raise that of the exports.	
The annual average during the same period of the shipping, which were required to transport those immense cargoes to and from the colonies, was calculated at	75,587 tons.
The tonnage required for the national trade, according to the same average, was, British, 419,681 tons—Foreign, 17,446 =	437,127 tons.

From this fallacious detail it was insisted, that the colonial shipping was equal to one sixth of the national; and by a variety of other calculations, all equally forced, the Board discovered, that the plantations employed one fourth, perhaps one third, of the whole navigation of Britain. It is from the epoch of this representation, and from the date of the statute of the present year, exempting British manufactures, when exported, from taxes, that we ought to date the origin of fictitious entries at the custom-house, and the rise of a kind of conspiracy, to degrade every other branch of traffic, in order to exalt that of the colonies. Whoever reads this famous Report must perceive, that the commercial reasonings of the Board are sometimes contradictory, and sometimes inconclusive, because, without looking into their own wiser minds, they had conversed too much with Gee, who had long terrified the nation,* by insisting, that an

* The following detail exhibits a more precise account, than the declamatory statement of the Board of Trade, of the relative importance of each branch of the national commerce during the year 1718, and of the amount of the whole.

Tonnage of ships cleared outward to		Ditto entered inwards from	
English tons.	Foreign.	English tons.	Foreign.
46,632	2510 Denmark and Norway,.....	99,591	1559
	Sweden, [war,].....	350	
2,248	300 Eastland,.....	7,921	450
4,318	150 Archangel,.....	13,000	
26,596	8218 Germany,.....	19,562	9193
111,039	3781 Holland,.....	40,294	1649
12,511	988 France,.....	8,451	1422
7,011	792 Spain, [including the Canaries,].....	9,839	944
17,717	Portugal, [including Madeira,].....	20,147	
33,433	The Streights,.....	13,705	
	110 Turkey,.....	3,160	
6,146	Africa,.....	1,230	
6,510	East Indies,.....	4,100	
25,533	West Indies,.....	31,879	
30,430	Continental colonies,.....	42,631	
7,164	Newfoundland and Greenland,.....	3,725	
	South Sea,.....	1,610	
5,941	70 Guernsey and Jersey,.....	3,737	
84,394	Ireland and Isle of Man,.....	27,414	
	North Seas,.....	925	
427,962	16,809	353,871	15,517
	Favorable balance of trade,.....	74,091	1,292
VOL. II.	6	427,962	16,809

unfavorable balance of trade ran against England; because they were carried away by prejudices that have descended to the present times.

But, having collected facts from their accurate records, and learned wisdom from their predecessors' experience, their political argumentations will be found to have been much more satisfactory and just. And, having evinced, what was assuredly true, though somewhat overstated, the great importance of the colonies, the Board proposed modes for securing them from danger, and for improving their usefulness, by preventing the encroachments of France, by cultivating the good-will of the aborigines, by regulating the irregularities of their political systems. The first, they remarked, could only be accomplished by building fortifications on their northern and southern frontiers; the second might be gained by presents, and attention; but various obstacles had long obstructed the third. They found the great difficulty to have arisen from chartered governments, which, though not all equally guilty, had refused obedience to just commands, had broken through the acts of trade, had made laws contrary to those of Britain, had harbored pirates and outlaws, and had denied quotas of aid to each other. In addition to these ancient accusations, they observed, "that some of the proprietary governments had shown too great an inclination to be independent of their mother kingdom, though it had ever been the wisdom of this and of all other states, to secure the absolute submission of their plantations by all possible means." And they proposed, as essential to necessary reformation, that improvident charters should be immediately resumed, though it was but just to consider the planters as subjects, deserving encouragement in all reasonable things not prejudicial to Britain. Yet they recommended, as the best means to cure every

inconvenience, to put the continental colonies under a captain-general, who, attended by one or more counselors from each plantation, and supported by a fixed salary, sufficient to maintain his dignity, independent of the colonists, might be able to raise a general contribution of men and money for the defence of the whole; might insure the obedience of subordinate governors by his immediate superintendence. Relying on the evident utility of their plan, they entered into no detail with regard to his practical operations; promising, however, future explanations when they should be asked. Though the present project seems to have been literally copied from that of their predecessors, during the reign of William, it ought to be remembered, that a king of England, without the concurrence of Parliament, could confer no such dictatorial powers. It was, however, so far adopted, that the Earl of Stair was requested to accept of an office which was equal to the greatness of his talents; but, prompted by his genius, perhaps warned by the friendly admonitions of Hunter, who had lately returned from New York, he refused a station which had involved him in continual vexation and final disgrace. And the Board seem to have exercised their diligence, and their talents, to no practical purpose. Of this respectable commission it has ever been the praise, that they have exerted themselves as the guardians of the national interests, as the patrons of the colonies, as the supporters of the commercial system of Britain, though their success hath not been always equal to their intentions and their efforts, because their power was not proportionate to the extent of their will.

CHAPTER V.

NEW YORK.—Disputes between the Assembly and Governor Hunter.—The Assembly makes a Compromise with the Governor, in relation to his Salary.—Paper Money.—Governor Burnet's Administration.—The Revenue granted to him.—Indian Trade.—Burnet's Complaints to the Board of Trade, respecting the Conduct of the French.—The Assembly maintains and exercises the Right of appropriating Money, without the Coöperation of the Governor, and of establishing the Salaries of Civil Officers.

So greatly had the province of New York prospered during the foregoing reign, notwithstanding internal contests and foreign warfare, that it contained, at the accession of George the First, twenty-seven thousand planters, who enjoyed the labor of four thousand slaves; and to these numbers were daily added the numerous emigrants from New England and from Ireland, who, while they augmented their population, confirmed their principles. Their commerce of peltry, of provisions, of naval stores, and of lumber, required seven thousand five hundred tons of shipping, which were navigated by fifteen hundred men. The provincials lived under a royal but feeble government, composed of a governor and twelve counsellors, who were appointed by the king; of a body of nineteen representatives, who were chosen by the freeholders. And under this form they enjoyed some degree of tranquillity at the joyful commencement of the present reign, because men's hopes and fears were suspended.

Confusion, however, was expected from the choice of the new delegates, subsequent to the demise of the crown, since "their ill-humor had grown upon forbear-

ance, and the threatening mandates of the late reign were regarded as bullying letters." With these prospects before him, Hunter exclaimed, "Happy he who has nothing to do with these colonies! upon the foot they now stand, they run a risk of an entire and speedy ruin." Influenced by these apprehensions, that able officer wrote to the Board of Trade, in March, 1715, "I know your lordships cannot be of opinion that I ought daily to beg my bread of those who take pleasure in my sufferings, which encourages me to request your lordships again to use your endeavors for a settlement by act of Parliament, as her late majesty directed; for I can stake my life and fortune upon it, that never any revenue can be obtained on this side but from year to year, upon such conditions that no man who regards the interests of the crown, can consent to." When the whiggish Board of the present reign had perused a letter, dictated by recent sufferings and prescience of events, they asked him, in the language of their tory predecessors, which could not have been sincere, to inform them, "if there was any prospect that the assembly will settle an established revenue, in order to the settling of such a revenue by act of Parliament, in case the assembly still refuse."

Foreseeing, probably, that the present ministers would act the same futile part as the late rulers, Hunter exerted his talents to procure from the delegates what he despaired of obtaining from the Parliament. When the assembly convened, in May, 1715, the effect of his intrigues immediately appeared. Mulford, having made a violent speech against the governor's designs, because, being a weaker man, he was a more violent whig, was expelled by his fellow-representatives, and by this means a majority of "the well-disposed party" was gained. A compromise ensued, "though it was carried with great

difficulty," by which they agreed to settle a revenue for five years. He, in return, gave his consent to an act of general naturalization, which had often been denied without reason, to a province inhabited by Dutchmen. It is to be lamented, that the reconciliation of governors and assemblies was but too often cemented by sacrificing, to their mutual passions, the jurisprudence and the mercantile interests of England. The act for "supporting the government" stamped a higher value on foreign silver than the statute of Anne allowed; it imposed a variety of duties on the importation of negroes, on "European goods," and on the tonnage of vessels. Foreseeing every objection to these obnoxious imposts, Hunter apologized for his own conduct, when he transmitted these laws to Whitehall, by asking, "What was there left for him to do, since he had been struggling hard for bread itself for five years, to no effect, and, during four of them, unpitied." Miranda, a British merchant, while he yet felt that he had paid a tax on his ships, unjust because unequal, complained of "the scandalous practice of collecting duties on English shipping and exempting their own." And the Board of Trade, urged no less by their own remarks, than by this remonstrance, informed the governor, that his favorite, but defective, bills must be altered, or they should be obliged to lay them before the king for his dissent. The same assembly issued a considerable sum in paper bills, because, they remarked, "that the Indian nations were wavering in their faith, and the fortifications of the province were gone much to decay." As they feared the encroachments of France, they endeavored to make their militia more useful. And they gave encouragement to navigation, by exempting the vessels of the province from customs. Having thus, by the aid of Morris, who was appointed chief justice, in order that

government might be strengthened by promoting men who distinguished themselves in its support, gained at once a standing revenue and the confidence of the delegates, Hunter ruled without obstruction, for several years, "this hitherto-ungovernable province." He was vexed, rather than disturbed, by the complaints of Mulford, who, though he was derided as a madman, had been prosecuted without sufficient cause. When the governor's friends had expelled this ancient representative for his vehemence of opposition, here should have ended the triumph of party, since the publication of his speech could have influenced none but men still weaker than himself. The continuance of Mulford's accusations in England, "owing to the encouragement he had met with from some great men," gave the assembly an opportunity of transmitting Hunter's panegyric, conceived with great vigor of sentiment, and executed with some elegance of language.

Subsequent events, however, discovered that, though apparent tranquillity was preserved by the vigorous talents of Hunter, the former principles of the people were strengthened by continual emigrations from New England. The assembly of May, 1717, convened under the same influence which had dictated the proceedings of the last. At the same time that they continued to give encouragement to agriculture and to commerce, they thought it their duty to discharge the public debts, since one half of these engagements was owing to the governor, the counsellors, and delegates, for services performed. With this design, they issued an immense number of bills of credit, which the private creditor was compelled to receive, however disproportionate to the value of his claims; and, for objects of their bounty, or their justice, they looked back to the insurgents of the year 1689, whose children were now rewarded for the

merit of their fathers. The grand-jury of the province presented a remonstrance to the governor against the passing of a bill, that they insisted was as destructive of the industry as of the morals of the people. With true democratical violence, the delegates ordered that respectable body to be taken into custody, and to be discharged with reprimand. Hunter endeavored to gain, for this law, the approbation of the Board of Trade, by recalling to their remembrance the glories of the revolution and the immortality of William. But declamation is seldom opposed with effect to interest. Unmoved by the whiggish effusions of the governor, the merchants of London vigorously opposed a measure which they regarded as fatal to credit and to commerce. That the opposition of the traders was just, though it was not successful, may be inferred from the contradictory conduct of the assembly; who, in 1717, reduced the interest of money to six in the hundred, and in the subsequent year raised it to eight. Hunter returned, in 1719, to Britain, with such encomiums from the assembly as no provincial ruler had ever received; attributing, in the language of compliment rather than of truth, the prosperous state of a province, which had now no grievances to complain of, to his just administration; and wishing that future governors might, by the same patriotic conduct, merit, like him, the praises of the people.

Schuyler, whose weakness of intellect and goodness of purpose qualified him for the instrument of men more artful and designing than himself, had scarcely assumed command, as president of the council, when he began to make changes of inferior officers and to meditate greater alterations. Hunter hastened to the Board of Trade, to show the fatal consequences of his successor's conduct and to point out a preventive remedy in the royal interposition. Secretary Craggs

commanded Schuyler, in the king's name, not to suffer the assembly to be dissolved either by design or accident. By preventing the effervescence of faction and the virulence of contest, Hunter merited, for this one stroke of sound policy, more lasting praise, than from the whole of his personal administration, which consisted in little more than perpetual efforts to gain from "a stingy people" a reasonable subsistence.

Burnet, a son of the famous bishop, who possessed some of his prejudices and many of his talents, assumed the government in September, 1720. He immediately found, that there was a majority of the counsellors who opposed his designs, since they were influenced by Schuyler. With great address he procured their absence, by showing that he could convict them of offences against the royal instructions, though they never forgave the suggestion. And, by the advice of the ablest lawyers of the neighboring provinces, he prudently determined, because he saw parties preparing for contest, that the representatives, chosen during the administration of Hunter, should still continue to exercise their trust. Influenced by Morris, whose abilities had procured for his predecessor a salary and peace, the assembly of October, 1720, granted to Burnet the former revenue, for a further term of five years; yet, with their usual policy, they imposed a duty of two in the hundred on European manufactures imported; which the Board of Trade confirmed, however averse to acts laying taxes on commerce, because it was necessary for the support of government. From the peace of Ryswick, the traders of New York had grown rich by supplying the Canadians with the various commodities that Indians require; but the present assembly, urged by the spirit of Burnet, prohibited a traffic, which was deemed no less contrary to policy, than inconsis-

ent with their interests. And the too strenuous opposition of the merchants of London, to a measure which they thought disadvantageous to them, gave the governor a fine opportunity of exposing their ignorance of American geography, and of attempting, by the triumph of his victory, to evince, that their other complaints against the practice of his province were equally unfounded and unworthy of attention.

How admirable is the policy of France, which endeavors to draw from the most disadvantageous stipulations every possible benefit! From the date of the peace of Utrecht, she had extended, with her wonted activity, the advantages of her fishery and traffic for peltry, as well as the limits of her American empire. Though from the settlement of the colonies, the English provincials had complained of French encroachments, yet there had existed no solid ground for contest, except where actual possession was invaded. The rights of the aborigines had been unhappily disregarded by both parties; and there had been no specific convention to furnish controversy, with argument, which the law of nations had not supplied. It was the treaty of Utrecht, that first set bounds to the pretensions of the two nations, that, by engaging the consent of each, gave just cause of clamor when either infringed its solemn agreement. It was not the fault of that pacification, if the ministers of George wanted skill or inclination to draw from it every national benefit. Animated by the neglects of British statesmen, the French sent orders to Canada, in 1718, to commence a traffic on the banks of Lake Ontario, though it is surrounded by the most fruitful hunting-grounds of the Six Nations, which had been recently acknowledged to be the territories of Britain. In the subsequent year, they gained the ineffectual consent of the Onondagas, one of the

tribes of that confederacy, to build a trading-house in their country, which was soon converted into a fortification. Whatever sovereignty the Six Nations enjoyed from nature, whatever rights they possessed from laws common to mankind, the French, who now flattered their ruling passion by contending for their independence, could regard them only as British subjects, since they had solemnly consented to consider them as such by the treaty of Utrecht. In 1720, Joncaire took possession of the most important pass on a continent, full of rivers, lakes, and defiles, the strait which connects those immense collections of water, denominated Ontario and Erie; which opens a communication with the southern countries to the confluence of the Mississippi; and here he laid the foundation of Niagara, the future source of American contest and of bloody warfare. Burnet commenced his administration with giving notice to the assembly of the intrigues and encroachments of France, without receiving effectual assistance, because at present the danger was distant. In every despatch, he informed the Board of Trade of the ambitious purposes of the rival nation. And, urged by his constant complaints, they wearied with representations the ministers, who seem to have been resolved to preserve, by any sacrifice,* the friendship of a people whom

* The subjoined recital of a proclamation of the governor of Maryland, on the 13th of September, 1717, will enable the reader to contrast the conduct of the British court in 1717 with the proceedings of the French court in 1777. [From the paper-office.]

Whereas the right honorable Joseph Addison, Esq., one of his majesty's principal secretaries of state, by his letter, dated at Whitehall, the 8th of July last, has signified to me, that upon his majesty's having received advice, from the court of France, of the island of Martinico having revolted from the French government and having sent away the governor and intendant thereof, and that the regent of France had desired his majesty, that none of the neighboring islands or dominions belonging to the crown of Great Britain may countenance or encourage that rebellion; it was thereupon his majesty's royal will and pleasure, that the said revolt should be as much as possible discountenanced by his subjects, and that the persons concerned in that rebellion should be more speedily reduced to their just obedience, and hindered from all manner of subsistence or protection whatsoever, from any of his majesty's subjects or plantations in America.

The governor, therefore, strictly commanded, that none of the people of Maryland shall in any manner aid or protect the said rebels.

an opposition of interest has destined to be perpetual opponents. In June, 1722, the Board instructed that able officer "to extend with caution the English settlements as far as possible, since there was no great probability of obtaining the determination of general boundary." Encouraged by a request which confirmed natural inclination, Burnet obtained, from the assembly of 1726, a grant of three hundred pounds, which enabled him to build a small fortification at Oswego, on the margin of Lake Ontario, where the river Onondaga disembogues its kindred waters. Longueil, the governor of Canada, disregarding the terms of the late pacification and the present amity of the two courts, protested against his purpose, and threatened hostilities. Whether the Six Nations were actuated by a dread of the French power, or were gratified by the presents sent them from England, nothing could exceed the wisdom of their counsels with regard to this transaction. In September, 1726, they solemnly surrendered their extensive territories to the crown of England, as a sacred trust to be preserved against all invaders, that they might always enjoy the pleasures and the profits of the chase; and they transmitted a formal request to the king, whom they flattered with the appellation of Great, that the French might be removed, either by persuasion or force, from their usurpation at Niagara. Yet the ministers pursued their former policy of courting the French by any means, since they were neither animated with hope nor roused by fear.

Meanwhile the governor lost his influence over the delegates, because, by imprudently mortifying the pride of considerable men, of Schuyler, of Phillips, of De Lancey, he provoked their hatred and their opposition. Burnet's bark was, however, wrecked on a rock which could not have been weathered either by skill or caution. From the commencement of his administration, the

representatives had opposed with becoming spirit the office of auditor-general of the colonial revenue, which had been invested in Horatio Walpole, after the decease of Blathwayte ; which gave him a pension of five in the hundred on the amount of their taxes, without administering to them any possible benefit. In proportion as Burnet supported the interests of the auditor, he lost the good will of the members ; when his endeavors, either languid or vigorous, had failed, he attracted the powerful enmity of Walpole. Directed by these motives, the assembly of 1725 refused to continue the former revenue and attempted to reduce the amount. From the revolution to the present times, the provincial constitution had undergone a considerable alteration, imperceptible, indeed, to all but the most attentive observers. When William reestablished its forms, upon a plan consimilar to those of England, he instructed the governor, "that all money should be granted to the crown by laws of indefinite duration, to be paid to the receiver-general and distributed by the governor and council." Having received a lesson from the New-English, the delegates, even before that monarch had ceased to reign, had overturned with ease a feeble fabric, since it was weakly supported. They had denied to the counsellors the privilege of amending money-bills, and had questioned their right to legislate ; and they had acquired the appointment of their own treasurer, who was accountable only to them. During the reign of Anne, they had gained a considerable share of the executive power, since they only gave it temporary support, deducting continually from the prerogative what they conferred on themselves. And, though names seemed to remain, the nature of the constitution was really changed ; from being monarchical, it had already become democratical.

In this spirit of aggrandizement, the assembly con-

vened, in May, 1726. They continued the insufficient revenue for the payment of the civil establishment for three years longer. As the delegates had long enjoyed the most unbounded influence over money, they now attempted, what seemed indeed to result necessarily from their former pretensions, to make every officer dependent on themselves, by resolving whether he were necessary, and what should be his pay. They reduced the appointment of the chief justice, from three hundred pounds a year, to two hundred and fifty; pretending, that they did not object to his administration, but that the colony, now less wealthy than formerly, was unable to maintain so great an establishment. As, from a peculiarity in the constitution of New York, the chief justice may enjoy a seat in the House of Representatives, Morris had an opportunity of delivering a speech, which at once put an end to debate, by reducing his hearers to the dilemma of either admitting the truth of his reasonings, or of claiming independence. "What can this province be considered," said he, "but the inconsiderable district of a great empire, and entitled consequently to none of the rights of sovereignty which independent nations enjoy from their innate power and the world's consent? even the privilege of legislation, which we have derived neither from nature, original compact, nor from our own act, but from the grants of a king of England, must be regulated by the special privileges conferred, rather than by analogical reasonings with regard to what other popular conventions, dissimilar in their nature, possess. In vain is it therefore for us, the delegates of a dependent dominion, to pretend to the various powers of the representatives of an independent state. Yet we have even gone beyond the limits which the Commons of Britain, a body who understand the nature of liberty and know their own rights, have at all times

set to their privileges, except when once they sacrificed the constitution to their fanaticism. They never invade the prerogative, by resolving what officers are necessary, or by diminishing the salaries of those whom they admit to be useful; they never dispense with the law, by voting away taxes which had been already appropriated by an act of the legislature; yet it were easy to multiply instances in which we, less cautious and intelligent, have exercised a dispensing power. Where this will end," concluded he, "God only knows; but what these proceedings mean it is not very difficult to guess. How mischievous in its consequences such an example may be to the rest of the plantations, and of what dangerous tendency to shake off their dependence on the British government, will be humbly submitted to the ministers of state to judge of." When Burnet discovered, that the delegates could not be persuaded to continue the former revenue, during the same term and to the same amount, he dissolved a body which had sat since 1715, and which had grown unpopular in proportion to the length of its continuance.

Incited by the principles of their constituents as well as by their own purposes, the representatives of 1727 trode in the steps of their predecessors. They equally attempted to render all officers dependent on them, by lessening their salaries; they endeavored to weaken the supreme court of common law, by attacking its jurisdiction; they overturned the chancery court, by resolving, in the language of the session of 1708, that it had been established by incompetent power. And Burnet, who was fond of the character of chancellor, immediately dissolved an assembly, which had thus mortified his prejudices and assaulted his power. The tendency of the delegates' measures, uniform in their manner and directed to one end, did not escape the attention of

sagacious observers, who lamented "the dangerous consequences, when a resolve of the House may soon be considered as of more authority than the king's commands, or even of an act of Parliament, if it is not accompanied with force to support it." It was remarked, by intelligent beholders, how much more easy it was to conceive than describe the degree of weakness to which the administration was reduced; "occasioned by the king's not having a fund to support government." Among others, who had seen with concern the interesting scene, the attorney-general, Bradley, wrote to secretary Pople, in January, 1727 - 8, "I doubt not but the Board will, from their former experience of the assemblies of this country and the present disposition they seem to be in, plainly perceive, that they aim at nothing less than being independent of the kingdom of Great Britain, as fast as they can."

CHAPTER VI.

NEW JERSEY. — Complaints respecting Non-residence of Civil Officers. — Difficulties between the Assembly and Governors Hunter and Burnet. — Bill for raising Money, rejected. — Burnet's Complaints to the People and to the Board of Trade. — Act for the Maintenance of the Civil Establishment for Five Years. — Paper Money.

THOUGH the province of New Jersey could boast of no direct trade with Britain and enjoyed little foreign traffic, she had partaken of the general prosperity of her neighbors during the foregoing reign, owing to her internal industry. Already inhabited by twenty-one thousand planters, who commanded the services of fifteen hundred slaves, the colony acquired daily additional numbers from New England and from Ireland. The form of their royal government, composed of a governor and twelve counsellors, who were appointed by the king, and of twenty-four delegates, who were chosen by the freeholders, was similar to that of New York in its general detail. But they began to consider it, with reason, as a grievance, that their governor, their judges, and even their inferior officers, resided in that province, which had long claimed a superiority, though without a cause.

New Jersey, however, was not happy, since former contests continued. Owing to the enmity of Cox to Governor Hunter, and to the zeal of Talbot, a protestant missionary, the multitude were inflamed to such a degree "as to grow fond of their delusion and to take part with their deceivers." Free from grievances, there existed


no real ground for uneasiness, "unless it were in their nature, since they are mostly all from New England." Amid this ferment, it was easy to form an association against the payment of taxes, which were supposed to be collected by improper authority. What can evince more clearly the vehement passion of the times and of the parties, than that the grand-jury of West Jersey should have indicted the chief justice, the president of the council, and the attorney-general, for acting inconsistently with law! And monstrous crimes prevailed where it was almost impossible, either from the prejudices of the Quakers or the enthusiastic spirit of the people, to procure convictions. Little could be expected from an assembly, which was called early in 1716, during the present turmoil. When they were adjourned from Burlington to Amboy, because they were alarmed with a conspiracy to carry the torch through the capital, many of the members, influenced by Cox, their speaker, refused to attend. A small majority having, however, by unusual arts, been prevailed on to meet, the representatives restored unanimity to the legislature, and with it public repose, by expelling their absent members, whose unmanly arts had rendered them unworthy of their station. And, urged by the spirit of men newly converted to duty, they granted a small revenue for the support of the civil establishment during the three subsequent years. The flight of Cox, because warrants were issued to seize him for his seditious practices, dispirited his powerful party, though it did not eradicate their principles.

That turbulent citizen determined to sap Hunter's authority by intrigue, since he could not overturn it by force. He complained to his sovereign of grievances, which were easily shown to be groundless, and he successfully courted, though by no very honorable

means, the patronage of ministers, who, during the year 1717, each contended for superiority. But the vigor of the Board of Trade protected the chief ruler and insured the tranquillity of the governed. They informed Secretary Addison "of the indirect means used to blacken Governor Hunter, in order to keep up distractions," and they had the satisfaction to transmit him, in February, 1718, the royal approbation, which they justly hoped would silence reports and defeat discontent.

When Hunter departed in the subsequent year, he relinquished an administration, placid yet feeble, to Morris, the president of the council, a man who, to abilities equal to his own, added longer experience. He immediately felt, in the weakness of his own influence, the debility that had resulted to every department from prior distractions. The assessors found excuses in the obscurity of the law for neglecting to impose the accustomed taxes. Yet he could not punish the disobedient, who derived impunity from the numbers of the guilty. And he exhibited to the Board of Trade, in November, 1719, the singular situation of the governor and the governed, by assuring them, "that the enemies of the public peace had so great an influence, that whoever commands here can do little else but threaten, unless he has aid from without."

When Burnet assumed the government in the subsequent year, he immediately discovered the truth of this intelligence. In a province "which had always been full of restless men," he perceived, with regret, "that too many would be glad to have no officers in the colony, nor even a ruler, unless of their own appointing." It was in this disposition of both parties that the assembly convened, in February, 1721. The governor endeavored in vain to persuade the delegates, that, since the province daily increased in numbers and in wealth, they were the



better able to give an honorable support to an establishment which protected their rights. The bill, which with this view they offered to the counsellors, was finally rejected, because they determined to admit of no amendments. And universal altercation having ensued, in which all parties were wrong, a turbulent session was ended by dissolution. Burnet appealed to the people by printing the assembly's proceedings, and to the Board of Trade by recommending, "that effectual methods should be taken to show them, that they are dependent on the government of England." And both his measures appear to have been attended with success. The Board rejected the laws of a former assembly, which, under the pretence of regulating the fees of officers, were supposed "to be designed to starve them;" and the freeholders chose new representatives, who seem to have performed all that could be reasonably expected of them. The assembly of March, 1722, continued, for five years, the act for the maintenance of the civil establishment that had given satisfaction to Hunter; they passed an act for the security of the government, because "the Jacobites propagated their pernicious principles, and intermeddled in public affairs;" they endeavored to improve the discipline of their militia; and they formed regulations "for preventing the multiplicity of lawsuits," which evinced, that the colonists, "in the humor which then prevailed, of running after mines," had all engaged in undertakings beyond their abilities. It was from this source that future contest arose between Burnet and the Board of Trade, with regard to paper money; the one supporting it with great force of argument as necessary in its origin, since commerce required it, and as equitable in its operations, because it performed most of the uses of the metals; the others, pointing to the destructive examples of

Carolina and New England, whose Bills of credit had involved the widow and the orphan in ruin, insisted, that, as in all depreciated paper there is an injustice, the assembly ought at least to be moderate, since they could not be just. The information gained from this singular controversy promoted the prosperity of a province, that enjoyed during his administration unusual tranquillity, by giving it a currency to which no considerable objection could be made.

CHAPTER VII.

PENNSYLVANIA. — No Military Establishment nor Fortifications. — Keith's Administration. — The Deputy's Assent to Laws, determined to be binding on the Principal. — The Three Lower Counties, and their proposed Union with Pennsylvania and West Jersey under a Regal Government. — Keith's Accession to Power after the Death of William Penn. — The Assembly regulates Appeals, taxes British Vessels, virtually prohibits Importation of Felons, and favors Aliens.

PENNSYLVANIA continued a proprietary government at the accession of the present monarch. It was composed of a governor, who was appointed by Penn and approved by the king, yet possessed not the whole executive power, and of twenty representatives, who, chosen by the freeholders, engrossed all authority, since they were inspired by their principles. The singular prosperity of the foregoing period had filled the province with forty-three thousand three hundred planters, who daily increased; who exercised a gentle sway over two thousand five hundred domestic slaves. And the value of the product of their annual diligence, which was sent to every commercial country, was said to amount to one hundred thousand pounds. As four fifths of the Pennsylvanians were Quakers, they had never formed any military establishment, nor reared any fortifications; since, urged by habit no less than by religious scruples, they had found a security for their frontiers in the goodwill of the surrounding tribes, and had relied on the navy of England for the defence of the Delaware, the only inlet into their flourishing province.

When the weakness and penury of Gooken and the faction of the delegates had embroiled the affairs of Pennsylvania, Keith, a man equally poor but more artful and able, was appointed his successor, in 1716. Perfectly aware how much power he had relinquished, or had been taken away, the proprietor very prudently obliged Keith to give security to obey his instructions, since, during the administration of Evans, it had been determined in the province, that the assent of the deputy, to laws even contrary to orders, was binding on the principal. Nothing could be more wise or just than a policy that has been regarded as unconstitutional; yet it has been at the same time shrewdly remarked, "that every proprietary governor has two masters; one who gives him his commission, and one who gives him his pay; and he is, therefore, on his good behavior to both." Under the influence of this sentiment Keith acted during his administration, because he felt the truth of it; courting the masters from whom he received his salary, since, without it, his commission was of little consequence. And, having allowed the assembly to govern themselves, he ruled for nine years without leaving an event for the historian to record.

The zeal which the three lower counties had shown during the two foregoing reigns for a regal government, was easily allayed, when Keith gave them formal notice, that a powerful application had been made to the king for a grant of their lands, which their opposition could only prevent. That considerable peninsula had been claimed, in 1716, by Lord Sutherland, as a reward of his recent attachment. Sir Edward Northey and Sir William Thompson stated, with great ability and candor, the claims of the crown, and the pretensions of Penn to a country which has occasioned so much litigation; giving it as their opinion, that the king's right

should first be established in chancery before it was conveyed to another; that the interest of the occupiers of the soil should be carefully regarded. When the Board of Trade transmitted this excellent advice to Secretary Addison, they remarked, "that his majesty was at least entitled to one half of the annual profits, which Penn ought to account for from the settlement of the colony." Lord Sutherland did not obtain the object of his wishes, nor were the salutary admonitions of the Board regarded. And the descendants of William Penn have continued to govern and to enjoy the rents of the Delaware colony to the present times, without any other right than possession and acquiescence. Yet Keith, with a singular duplicity, endeavored, in September, 1717, to demonstrate to the Board of Trade "what advantage would result to the crown, by forming into one royal government Pennsylvania, West Jersey, and the three lower counties on the Delaware."

Upon the decease of William Penn, in 1718, the son of that famous legislator attempted to assume the government, by renewing the commission of the father; but, owing to the arts of Keith, it was rejected by the council and the assembly till the royal pleasure should be known. The Board of Trade approved of the governor's caution, because they regarded the new commission as a new appointment, which required the royal assent. And, when the lords justices transmitted their approbation, Keith thenceforth considered himself, with his usual irregularity, as the governor of the king, disregarding the instructions of the proprietor. He, however, who reviews the acts of assembly during the administration of Keith, will find much to commend and little to disapprove; because he knew the various objections that had been made by the Board of Trade to former laws, and had influence to persuade the delegates to

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When Hunter departed in the subsequent year, he relinquished an administration, placid yet feeble, to Morris, the president of the council, a man who, to abilities equal to his own, added longer experience. He immediately felt, in the weakness of his own influence, the debility that had resulted to every department from prior distractions. The assessors found excuses in the obscurity of the law for neglecting to impose the accustomed taxes. Yet he could not punish the disobedient, who derived impunity from the numbers of the guilty. And he exhibited to the Board of Trade, in November, 1719, the singular situation of the governor and the governed, by assuring them, "that the enemies of the public peace had so great an influence, that whoever commands here can do little else but threaten, unless he has aid from without."

When Burnet assumed the government in the subsequent year, he immediately discovered the truth of this intelligence. In a province "which had always been full of restless men," he perceived, with regret, "that too many would be glad to have no officers in the colony, nor even a ruler, unless of their own appointing." It was in this disposition of both parties that the assembly convened, in February, 1721. The governor endeavored in vain to persuade the delegates, that, since the province daily increased in numbers and in wealth, they were the

better able to give an honorable support to an establishment which protected their rights. The bill, which with this view they offered to the counsellors, was finally rejected, because they determined to admit of no amendments. And universal altercation having ensued, in which all parties were wrong, a turbulent session was ended by dissolution. Burnet appealed to the people by printing the assembly's proceedings, and to the Board of Trade by recommending, "that effectual methods should be taken to show them, that they are dependent on the government of England." And both his measures appear to have been attended with success. The Board rejected the laws of a former assembly, which, under the pretence of regulating the fees of officers, were supposed "to be designed to starve them;" and the freeholders chose new representatives, who seem to have performed all that could be reasonably expected of them. The assembly of March, 1722, continued, for five years, the act for the maintenance of the civil establishment that had given satisfaction to Hunter; they passed an act for the security of the government, because "the Jacobites propagated their pernicious principles, and intermeddled in public affairs;" they endeavored to improve the discipline of their militia; and they formed regulations "for preventing the multiplicity of lawsuits," which evinced, that the colonists, "in the humor which then prevailed, of running after mines," had all engaged in undertakings beyond their abilities. It was from this source that future contest arose between Burnet and the Board of Trade, with regard to paper money; the one supporting it with great force of argument as necessary in its origin, since commerce required it, and as equitable in its operations, because it performed most of the uses of the metals; the others, pointing to the destructive examples of

Carolina and New England, whose bills of credit had involved the widow and the orphan in ruin, insisted, that, as in all depreciated paper there is an injustice, the assembly ought at least to be moderate, since they would not be just. The information gained from this singular controversy promoted the prosperity of a province, that enjoyed during his administration unusual tranquillity, by giving it a currency to which no considerable objection could be made.

CHAPTER VII.

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PENNSYLVANIA continued a proprietary government at the accession of the present monarch. It was composed of a governor, who was appointed by Penn and approved by the king, yet possessed not the whole executive power, and of twenty representatives, who, chosen by the freeholders, engrossed all authority, since they were inspired by their principles. The singular prosperity of the foregoing period had filled the province with forty-three thousand three hundred planters, who daily increased; who exercised a gentle sway over two thousand five hundred domestic slaves. And the value of the product of their annual diligence, which was sent to every commercial country, was said to amount to one hundred thousand pounds. As four fifths of the Pennsylvanians were Quakers, they had never formed any military establishment, nor reared any fortifications; since, urged by habit no less than by religious scruples, they had found a security for their frontiers in the goodwill of the surrounding tribes, and had relied on the navy of England for the defence of the Delaware, the only inlet into their flourishing province.

When the weakness and penury of Gooken and the faction of the delegates had embroiled the affairs of Pennsylvania, Keith, a man equally poor but more artful and able, was appointed his successor, in 1716. Perfectly aware how much power he had relinquished, or had been taken away, the proprietor very prudently obliged Keith to give security to obey his instructions, since, during the administration of Evans, it had been determined in the province, that the assent of the deputy, to laws even contrary to orders, was binding on the principal. Nothing could be more wise or just than a policy that has been regarded as unconstitutional; yet it has been at the same time shrewdly remarked, "that every proprietary governor has two masters; one who gives him his commission, and one who gives him his pay; and he is, therefore, on his good behavior to both." Under the influence of this sentiment Keith acted during his administration, because he felt the truth of it; courting the masters from whom he received his salary, since, without it, his commission was of little consequence. And, having allowed the assembly to govern themselves, he ruled for nine years without leaving an event for the historian to record.

The zeal which the three lower counties had shown during the two foregoing reigns for a regal government, was easily allayed, when Keith gave them formal notice, that a powerful application had been made to the king for a grant of their lands, which their opposition could only prevent. That considerable peninsula had been claimed, in 1716, by Lord Sutherland, as a reward of his recent attachment. Sir Edward Northey and Sir William Thompson stated, with great ability and candor, the claims of the crown, and the pretensions of Penn to a country which has occasioned so much litigation; giving it as their opinion, that the king's right

should first be established in chancery before it was conveyed to another; that the interest of the occupiers of the soil should be carefully regarded. When the Board of Trade transmitted this excellent advice to Secretary Addison, they remarked, "that his majesty was at least entitled to one half of the annual profits, which Penn ought to account for from the settlement of the colony." Lord Sutherland did not obtain the object of his wishes, nor were the salutary admonitions of the Board regarded. And the descendants of William Penn have continued to govern and to enjoy the rents of the Delaware colony to the present times, without any other right than possession and acquiescence. Yet Keith, with a singular duplicity, endeavored, in September, 1717, to demonstrate to the Board of Trade "what advantage would result to the crown, by forming into one royal government Pennsylvania, West Jersey, and the three lower counties on the Delaware."

Upon the decease of William Penn, in 1718, the son of that famous legislator attempted to assume the government, by renewing the commission of the father; but, owing to the arts of Keith, it was rejected by the council and the assembly till the royal pleasure should be known. The Board of Trade approved of the governor's caution, because they regarded the new commission as a new appointment, which required the royal assent. And, when the lords justices transmitted their approbation, Keith thenceforth considered himself, with his usual irregularity, as the governor of the king, disregarding the instructions of the proprietor. He, however, who reviews the acts of assembly during the administration of Keith, will find much to commend and little to disapprove; because he knew the various objections that had been made by the Board of Trade to former laws, and had influence to persuade the delegates to

avoid similar difficulties. But both too often sacrificed the jurisprudence and the policy of England to their own convenience. They renewed in the present, what had been rejected in the late reign, an act, declaring the privileges of the people, which was again rejected by the Board of Trade, since it was deemed an unnecessary invasion of the great statute of William. They regulated appeals to Britain, without reflecting that they might with the same spirit have forbid them. They imposed taxes on the vessels of British merchants, without considering that the British merchants had never empowered them. When an act of Parliament of the present reign had commanded that felons should be sent to the colonies as a punishment, they imposed on their importation a duty which was intended as a prohibition. Having in former times enabled aliens to purchase lands, they now empowered them "to trade and to transport merchandises," though the acts of navigation had wisely declared, "that no alien shall act as a factor or trader in the colonies." The clamor with which the Pennsylvanians, for the first time demanded a paper currency, in 1722, only evinced, contrary to their declarations, how much they were actuated by the commercial spirit; how much the province prospered in proportion as every individual, in pursuit of his interest, engaged in more extensive enterprises. The Parliament gave an encouragement to their energy, which was without reason withheld from others, by allowing the direct importation of salt from Europe to Pennsylvania, in order to promote a fishery which has never existed but in declamations.

CHAPTER VIII.

MARYLAND. — Lord Baltimore, and his Exclusion from the Government. — Prosperity and Commerce of the People. — Restitution of the Constitution. — The Government. — Acts of the Assembly. — Harmony with the Governor.

THE appointment of every new governor, during the late reign, had furnished Lord Baltimore with an opportunity of claiming his right over the province of Maryland, which, he justly conceived, could be no more seized without legal process than the honors of the peerage. Sir Edward Northey did little credit to his own candor, when he gave his approbation, in 1711, to the arbitrary doctrines of Sir John Holt. And the Board of Trade, having discovered that the former necessity continued, advised, notwithstanding the pleadings of counsel, that the proprietary should be equally excluded now from his government, as he had unjustly been by William. But, though the queen refused to gratify the ruling passion of the aged Baltimore, she gave a pension to his heir-apparent, because, by changing his religion, he had disobliged his father. It was the inclination of George the First "to give encouragement to the educating of the numerous issue of so noble a family in the Protestant religion," that restored, in February, 1715, the government of Maryland to Leonard, the third proprietor, who lived not to promote her prosperity or to obstruct her progress. And though, with the usual policy of that moment, of introducing new men into every department, Franks was appointed governor, Hart

was continued in command, because, during the late reign, he had given part of his annual emoluments as a gratuity to his present master. Since the government had been seized by no formal act, it was now restored without any other ceremony than allowing Lord Baltimore to nominate a deputy. *

As none of the provinces had enjoyed more genuine prosperity during the foregoing period, though contemporary complaints would lead us to infer the contrary, Maryland was found to contain, in 1715, forty thousand seven hundred freemen, and nine thousand five hundred slaves; the numbers of both, owing to a variety of favorable causes, having doubled during the fifteen years preceding. The provincials were described by Governor Hart, when he no longer expected any thing from their favor, "as a well-natured and most hospitable people, who for the much greater part were zealously affected to the present government and Protestant interest." The transport of their staple of thirty thousand hogsheads of tobacco, annually, employed one hundred British ships, which required sixteen hundred seamen. Their maize, their salted provisions, and their lumber had given rise to a feeble traffic to the West Indies and the Azores, which were exchanged for the various productions of both. But an uncommercial people carried on no trade with the French and Spanish colonies, which it was the policy of the counsels of George the First to obstruct, though there was no law to prevent it. The constitution of Maryland was again restored to what it had been originally established in 1650, and may be described as similar in its detail to a mixed monarchy; in which the proprietary exercised all the functions of the king, by a governor who acted as his representative; the twelve counsellors, who exercised many of the powers of the peers; the forty-two dele-

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A "well-natured people," living under a just administration, will be found to have offered few subjects for history during the current reign. In 1714, the frontiers were secured by cultivating the amity of the foreign Indians, and internal quiet was preserved by doing justice to the descendants of the aboriginal inhabitants, who had decreased, since they were domesticated, to five hundred persons. During the subsequent year, the assembly revised their code of laws, repealing former regulations and establishing a system that does honor to their legislative talents. They recognized the title of George the First to the crown, in order "to show their gratitude for the blessings they enjoyed." The former contests between the creditor and debtor seem to have been compromised, by doing justice to the claims of the one and to the inabilities of the other. They endeavored to promote public and private prosperity, by giving encouragement to tillage, by exempting the provincial owners of vessels from the taxes which British merchants were compelled to pay, contrary to their inclination. They acknowledged the authority of the collector of the parliamentary customs, by regulating his fees. They showed their attachment to the interest of learning, by endowing a free-school in every county. They endeavored, by imposing taxes, to obstruct the importation of negroes and of Irish servants, on account of their religion; and they attempted, in oppo-

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CHAPTER IX.

VIRGINIA. — Its Prosperity. — Commerce. — Trade to the West Indies and the Azores. — Government. — Revenue for the Civil List. — Indians Overawed. — Opposition to Taxation. — Unpopularity of Spotswood. — Difficulties with him. — Repeal of Ancient Laws. — Complaints to the King against Spotswood. — Measures of the Burgesses. — They authorize County Courts to appoint their own Clerks. — Addresses to the Governor. — Postage. — Coöperation of the Governor, Counsellors, and Burgesses. — Recall of Spotswood. — Character of his Administration. — His Prophetic Admonitions. — Administration of Drysdale. — Acts affecting Importations.

THE real prosperity of the foregoing period had filled the considerable province of Virginia with seventy-two thousand planters, who exercised rather a severe sovereignty over twenty-three thousand slaves; to whom were added, during the present reign, upwards of ten thousand Africans, who lamented their lost liberty without gaining commiseration. The general industry of Maryland and Virginia supplied Britain, in return for her various manufactures, with 25,317,981 *lbs.* of tobacco, of which were afterwards exported 17,142,755;
there remained for internal consumption 8,175,226 *lbs.*

Without considering the revenue which was thence acquired, these notices evince, that the two tobacco colonies alone were in those days of greater consequence to a commercial nation than all the other continental settlements. The spirit of Virginian diligence was enlivened, by sending the maize, the lumber, and the salted provisions of an extended settlement to the West Indies

and the Azores, in exchange for their sugar, rum, and wine. Divided already into twenty-five counties, this dominion enjoyed a royal government; composed of a governor appointed by the king, who nominated inferior magistrates; of twelve counsellors, who, created by the regal mandate, enjoyed, from the constitution, considerable authority and aimed at greater; of fifty-two burgesses, who, elected by the freeholders, generally spoke their sentiments, either illiberal or refined. The standing revenue, which had been established at the restoration, and which now produced four thousand pounds sterling, being unequal to the payment of the civil list and other contingent charges, was aided by three hundred pounds from the quitrents, the private estate of the king. The aborigines had long ceased to be objects of dread, since they were now subjected to vassalage; the alien Indians were overawed by a militia of fifteen thousand men, formidable to them, though unfit for regular service. And, secured from foreign and internal foes, and protected in their privileges, the Virginians augmented their numbers, their commerce, their wealth, and their power, during the inattentive administration of George the First, beyond the example of other colonies.

It is to be lamented, that they continued to be too much animated by the unhappy principles which they had imported from the north during the reign of William and by the seditious example that had been recently set before them by their neighbors on the south. Owing to these causes, the provincials "chose such burgesses as had declared their resolution to raise no taxes for any occasion whatsoever." And, urged by this temper, during the session of 1715, they "expelled two members for having the generosity to serve without pay, which they termed bribery." It is apparent from the

proceedings of both parties, during that convention, "more remarkable for its votes than its laws," that they were all actuated by faction. Conscious of the superiority of his talents and the independence of his station, Spotswood offended by his neglect the counsellors' pride, and, by his haughtiness, the rising spirit of the burgesses. When measures were therefore proposed, that reduced the governor to the dilemma of either disobeying his instructions or raising popular clamor, he dissolved, with unjustifiable circumstances of contempt, an assembly, which had exhausted five weeks in fruitless altercation. Though the Board of Trade commended his general conduct, they disapproved of his speech to the burgesses, "who, though mean, ignorant people, and did not comply with his desires, ought not to have been irritated by sharp expressions, which may not only incense them but even their electors." From the date of that event, anonymous letters were constantly transmitted against him to the Board, who gave him an opportunity of evincing, by the vigor of his answers, that the province prospered under a wise administration, though trivial discontents had arisen from petty offences given and received. And, while Spotswood complained of "this treacherous method of assaulting his reputation," he insisted, "that some men are always dissatisfied, like the tories, if they are not allowed to govern; men who look upon every one not born in the country as a foreigner."

When the code of ancient laws was revised, in 1717, several acts were found "unjust in themselves, unequal to Britain, and reflecting infamy on Virginia." The laws passed in 1663, "to prevent the recovery of foreign debts," to prohibit the assembly of Quakers, and that of 1676, declaring that none should enjoy a provincial office who had not for three years resided in the colony,

were all repealed by the king, as no less degrading to the province than injurious to the kingdom. The recent regulations for establishing a monopoly of the Indian trade, for inspecting tobacco before its exportation, were equally disapproved, notwithstanding Spotswood's powerful support, because they were deemed "clogs to commerce," at a time that the depredations of the pirates and the Spaniards infested the Virginian coast.

What had been foreseen by the Board of Trade from the recent conduct of all parties, the province soon had cause to regret. The imprudent insolence of Spotswood offended equally the aristocratic pride of the counsellors and the mobbish spirit of the delegates. Having discovered various provincial grievances in the offence offered to the connection of family, eight members of the council, who were directed by Blair, the bishop of London's seditious commissary, formally complained to the king, of the governor's attack on the charter of the colony, in which their most invaluable privileges were involved. Enjoying already almost all power, they were beyond measure offended, that he should associate with them inferior men in special commissions for the trial of criminals. Sir Edward Northey decided, however, in favor of the chief magistrate's right, though he gave no opinion as to the improper exercise of it. And the Board of Trade regarded the complaint of the counsellors "as a claim of power," which in good policy ought not to be gratified, though it was unwise in the governor to exercise authority, legal, yet uncommon, except on extraordinary occasions. While Spotswood exploded with great strength of observation the groundless clamors of his adversaries, he lamented to the Board, "how much anonymous obloquy had been cast upon his character, in order to accomplish the design of a party, which, by their success in removing former governors,

are so far encouraged, that they are resolved no one shall sit easy, who doth not resign his duty, his reason, and his honor, to the government of their maxims and interests." Nothing could be more wise than the policy which was adopted for Virginia, from the event of this interested controversy. The governor's request, to remove from a station, of which they had shown themselves unworthy, the men who attacked the prerogative when they ought to have supported it, was denied, because compliance had inflamed animosity; from this period it was regarded as a decisive objection, that the person, proposed as a new counsellor, was in any manner connected with the old.

During these agitations of Virginia, when every party had forgotten how much political wisdom there is in moderation, the provincials lent their willing clamor and their votes to the counsellors against a governor, whose expensive projects they were told would ruin the country. The assembly of 1718 were altogether actuated by the sentiments of their constituents. They could not be persuaded that the province prospered, because the officer who had given them offence had assured them of the truth of this unwelcome information. They considered the Indian commerce as requiring no regulation, since he had recommended this measure as essential to their peace. They regarded the school, settled on the frontiers for instructing Indian children, as unnecessary, because Spotswood claimed a merit from the establishment of this salutary institution. They could not perceive, that the tributary Indians, whom that able officer had stationed on the borders in order to watch the motions of the hostile tribes, were entitled to any special support. And, having thus sullenly rejected every recommendation, they proceeded to act offensively. They attacked the royal prerogative, or at least

its influence, by investing the county courts with the appointment of their own clerks, while they reduced the fees of officers under the pretence of regulation. They endeavored to render ineffectual the act of Parliament for establishing posts in the colonies, because the claim of the planters to be considered as merchants, whose accounts were exempted from postage, had been justly denied. They transmitted an address to the king, praying, that the instruction, which required that no acts should be passed affecting the British commerce or navigation without a clause of suspension, might be recalled. They complained at the same time of a governor, "whose attempts went to the subversion of the constitution, since he made daily encroachments on their ancient rights;" but, when they had framed their representation, they found that the most difficult task remained, since it was not easy to discover documents to support accusation. And, in their zeal to remove the object of their opposition, they relinquished the only grievance which really existed; having instructed their agent to state "the inconvenience of their being governed by a lieutenant, while the governor-in-chief resides in England," they recalled a charge which they saw might induce Lord Orkney to continue Spotswood in power through hatred to them.

Spotswood was too penetrating not to see that those measures were designed "to provoke him, and then to complain of his resentment," and with unusual moderation he prorogued them, when they had completed their charges; but meanwhile prepared to make a defence suitable to the vigorous character of the man. His opponents had scarcely retired, when addresses poured in on him from every description of men, from the convention of clergy, from the college, from almost every county; expressing their abhorrence of the burgesses'

proceedings and their happiness under an administration that had raised the province from penury to its present flourishing state. At the same time that he transmitted these flattering testimonies, "that he had no dispute with the country," he represented to the Board of Trade, in terms which demonstrate that his crime consisted in the haughtiness of his manner and the superiority of his talents, rather than in any settled purpose to assume powers which did not belong to him, "that the liberty of doing wrong was none of the least of the liberties contended for here, while the privilege of exempting Virginia owners of vessels from taxes, with which British merchants were burdened, was too beneficial to be easily relinquished; but that governors should be tied up from assenting to laws prejudicial to trade, because it was difficult to withstand the solicitations of assemblies; that while the counsellors concurred in the encroachments of the burgesses on the rights of the supreme legislature, by invalidating the statute which had imposed the revenue of the posts, and in their attack on the prerogative, by disputing the king's right to collate to vacant benefices, the public tranquillity will be sacrificed to their interested purposes."

At the same time that the Board of Trade disapproved of the manner of transmitting addresses to the king by an agent, which ought to have regularly flowed through the channel of the governor, they expressed their surprise, "that any objection should be made to an instruction of this nature; since it can never be supposed, that the plantations had, or can have, the power of making laws which might be prejudicial to the trade and navigation of this kingdom, for whose benefit these colonies were first settled." They supported the decisive opinions of Sir Edward Northey and Sir William Thompson, with regard to the litigated questions of law, because

they had penetrated the design of reducing the influence of the crown and of invalidating the rights of the nation. During the session of 1719, the Parliament endeavored,* by confirming the statute of Anne, to vindicate their own power, since the Virginians had claimed exemption and refused payment the preceding year; by declaring, that every packet, containing merchants' accounts transmitted through the dominions of the state, should be chargeable with a postage duty. When Byrd, the agent, discovered that he could not gain the chief object of his embassy, because the real designs of his constituents had been awkwardly disguised, he begged the Board of Trade "to recommend forgiveness and moderation to both parties."

The recommendations of the Board, when enforced by the advice of Lord Orkney, the Duke of Argyle, and other great men, who honored Spotswood with their patronage, buried discord in oblivion and converted the rancor of enmity into the cordiality of friendship. The governor, the counsellors, the burgesses, all concurred in sincere measures for promoting, by salutary measures, the interest and happiness of a province that already enjoyed the greatest prosperity. The pirates who infested the coast were subdued. Parties of the Six Nations, who in their undistinguishing rapine had fallen upon the tributary tribes and plundered the traders, were repelled and afterwards pacified by presents, prudent yet ignoble. And the frontiers were pushed to the nearest mountains which had been discovered by the activity of Spotswood, who procured, by his solicitations, for two additional counties, a ten years' exemption from quitrents.

Nevertheless, the governor was unwisely superseded in April, 1722, though no new complaints either ruffled

the public repose or disturbed the minister's ease. Anonymous letters had indeed been transmitted, which were perhaps construed as the forerunners of turmoil. But he was recalled, because it had been probably whispered to Lord Orkney by the agent, "that if he did not remove his lieutenant, the burgesses would certainly address the king to remove him." Having reviewed the uninteresting conduct of the frivolous men who had ruled before him, the historian will dwell with pleasure on the merits of Spotswood. There was a utility in his designs, a vigor in his conduct, and an attachment to the true interest of the kingdom and the colony, which merit the greatest praise. Had he attended more to the courtly maxim of Charles the Second, "to quarrel with no man, however great might be the provocation, since he knew not how soon he should be obliged to act with him," that able officer might be recommended as the model of a provincial governor. The fabled heroes, who had discovered the uses of the anvil and the axe, who introduced the labors of the plough with the arts of the fisher, have been immortalized as the greatest benefactors of mankind; had Spotswood even invaded the privileges, while he only mortified the pride, of the Virginians, they ought to have erected a statue to the memory of a ruler, who gave them the manufacture of iron, and showed them, by his active example, that it is diligence and attention which can alone make a people great. As he was retiring from the glare and tumult of state to the obscurity and quiet of private life, he left them prophetic admonitions, which it would have been happy for their prosperity if they had regarded as the warnings of holy writ. "I look upon Virginia," said he, "as a rib taken from Britain's side; and I foresee that, while they both proceed as living under the marriage compact,

this Eve must thrive so long as her Adam flourishes. I am persuaded, that whatever serpent shall tempt her to go astray and meddle with forbidden matters, will but multiply her sorrows and quicken her husband to rule more strictly over her."

In September, 1722, Drysdale assumed the administration amidst the tranquil prosperity bequeathed him by his predecessor. He adopted a mode of government suitable to the inferiority and the weakness of his character, without regarding his reason as a man or his instructions as an officer. He resigned his authority to the counsellors; he resolved to pass every law that the burgesses should propose. But, though he insured his own quiet and stability by relinquishing all pretensions to command, he introduced at the same time disorder into the state, because the assembly in the same moment attacked the laws and policy of Britain. Inflamed by this temper, they passed an act regulating the importation of convicts, which was soon exploded by the Board of Trade, because it amounted to a prohibition and impugned the policy of the late act of Parliament. In order to free the colonists from an annual poll-tax, which the administration of justice and other internal charges made necessary, they imposed a considerable duty on the importation of liquors and of slaves. But the African company and the individual traders instantly opposed a measure, which, though favorable to general freedom, was deemed injurious to them. And, in September, 1723, Harris, an intelligent merchant, wrote the Board of Trade, "that this tax, being intended for the payment of the expenses of the colonists, ought therefore to be levied on themselves and not on the mother-country, by whose protection they have their being; and, since it is of importance to *prevent, in the beginning, the colonies from laying customs on*

the trade of England, it were to be wished that the Board would put a speedy stop to their encroachments." The obnoxious act was repealed, because it was regarded as detrimental to commerce. And it was now lamented, that the prudent warnings of Spotswood, "not to remove a governor to gratify a party," had been disregarded in the late appointment, since it was at length apparent that the public interests had been sacrificed to the reconciliation of factions. Such was the administration of Drysdale, which the assembly praised, because they were gratified by his condescensions, "as just and disinterested." Yet the same assembly suppressed a parish, and the same governor begged the Board of Trade "not to regard the parson's representations," though he had been deprived of his freehold; as if the protection of the individual's rights were not the end of all social establishments. Owing to the interested amity between the chief ruler, the counsellors, and the burgesses, the affairs of Virginia glided on, during the remainder of the present reign, in a stream of prosperous quiet. Drysdale congratulated the Duke of Newcastle, "that the benign influence of his auspicious sovereign were conspicuous here, in a general harmony and contentment amongst all ranks of persons."

CHAPTER X.

NORTH CAROLINA. — Its Condition. — Character of its Administration ; of its Population.

It is a decisive proof of the preceding misrule and distraction of North Carolina, that it contained no more than seven thousand five hundred white inhabitants, and three thousand seven hundred slaves, at the accession of George the First. And so great had been the debility, arising more from internal contests than from foreign warfare, that, during the present reign, its administration acquired neither respect nor stability ; the individual gained neither energy nor the consideration which it ever confers. Unconnected with Britain by commerce or by government, this colony was supplied, by the New-English alone, with every necessary manufacture, which was exchanged for their salted provisions, their corn, and their naval stores. And this wretched province was continually branded as the general receptacle of the fugitive, the smuggler, and the pirate ; as a community, destitute of religion to meliorate the heart, or of laws to direct the purpose of the will.

CHAPTER XI.

SOUTH CAROLINA.—Its general State.—Destruction of the Tuscarora Indians.—The Yamazee War.—Paper Money to carry it on.— Succors sent to South Carolina.—Favors from Great Britain.—End of the War.—The Assembly's Address to the King.—The Assembly asks for Protection and imposes a Tax on imported British Manufactures.—Dilemma of the Proprietors.—Neglect of Parliament to resume the Proprietary Government.—Instructions to Governor Johnson.—Difficulties between the Delegates and the Governor and the Proprietors.—Attempts to recall Paper Money.—Administration of Moore, who is chosen Chief Magistrate by the Assembly.—Government assumed by the Crown.—Nicholson's Administration.—Incorporation and Government of Charleston.—Paper Money.—Difficulties between the Assembly and Nicholson.—Administration of Middleton.—Contests between the Council and Assembly.—Apprehension and Release of Smith.—Acts of the Assembly.—Carolina and Maryland compared.

SOUTH CAROLINA, owing to similar causes, was inhabited at the same epoch by only six thousand two hundred and fifty freemen, who rejoiced in the unwilling servitude of ten thousand five hundred slaves. The product of their labor was more advantageous to themselves and to the world than that of their northern neighbors, as they enjoyed a more extensive commerce. Had the Carolinians been governed by desires more moderate, they would have enjoyed greater prosperity as well as happiness. When they attempted to gain that wealth from the fiction of paper currency, which can only be acquired from the result of patient diligence, they involved themselves in difficulties and misery, and their commercial connections in ruin. A wretched proprietary government, rendered still more feeble by settled faction, and unaided by the salutary

influence of religion, could neither alleviate misfortune nor confer enjoyment; could neither offer protection to the individual nor promote the felicity of the whole.

An event, which seemed to forbode lasting quietude with all its blessings, only gave rise to immediate massacre with all its horrors. The destruction of the Tuscaroras, which the Carolinians fondly hoped would have operated as a sad example to the southern tribes, appears to have been the real cause of their subsequent woes. When this province sent detachments of various nations against that gallant people, an opportunity was given them, while they marched across a long line of settlement, to perceive the weakness of the colonists and to remark their distractions. And the Indian allies retired in disgust from the destruction of the enemy, because it was impossible to gratify them when their jealousy was roused; and they feared for their own fate, when they daily recollected how many of their countrymen were then detained in bondage. The powerful hordes, who on every side surrounded Carolina, who were said to have been able to bring ten thousand warriors into the field, entered into a conspiracy for its destruction, with such characteristic secrecy, that it was only discovered by the barbarous effects. Spotswood, however, assured the Board of Trade, "that it was a general observation, that the Indians never break with the English without gross provocation from the persons trading with them." Too judicious to rely on the interested information of professed agents, the Board discovered that Spotswood's remark was on that occasion perfectly just. In May, 1715, the Yamazee war began, since injuries had been mutually done and received, by a furious attack on the southern frontier, that was soon extended on every side. The defenceless planters were obliged to retire towards Charleston, the capital, which almost despaired of its

own security. Yet, animated by the surrounding danger, Governor Craven exerted the talents of an able and gallant officer, as the provincials, having recovered from the terrors of the first impression, supported his efforts with becoming spirit, and the assembly, unable, partly because they were unwilling, to raise considerable taxes, issued paper bills in abundance to support a feeble warfare. Hunter and Spotswood transmitted to Carolina warlike stores from the king's magazines. The legislature of New York could only be induced to exempt the Carolinian commerce from duties, while Hunter attempted, without success, to engage the powerful Six Nations in the bloody quarrel. The burgesses of Virginia granted their southern neighbors a supply, though they did not love them. Spotswood sent them a ship of war, with one hundred and fifteen volunteers, and thirty tributary Indians. The timely succors, which were now given to real distress, only promoted the future enmity of the two colonies, because the one complained of ingratitude, the other of exorbitant demands. Even during her imbecility, North Carolina endeavored to repay the effectual assistance which had been formerly given, when, owing to a similar attack, she felt similar danger. The other provinces neither granted the asked for aid, nor even pitied the misfortunes, which they knew not how soon might fall on themselves. And, in a moment of great difficulty, Carolina obtained from Britain what had been denied by neighbors, who envied her prosperity.

The application of the agents procured from the proprietaries all the contributions that could reasonably have been expected of them, amounting to the extent of their provincial debts and their annual quitrents; but they did not give satisfaction to colonists, who have seldom reflected, that it is impossible to protect a people

without their own exertions. When the merchants of London enforced the petition of the agents, the Commons addressed the king to send such supplies of arms and of stores, as might enable his distressed subjects, not only to defend themselves, but even to subdue their foes. Troops probably would have been at the same time granted to such powerful requests, but rebellion unhappily disturbed, at that conjuncture, the public repose. And, not long after, the subdued rebels were transported to Carolina, that they might turn the same energy, which had endangered the state, to the defence of her distant territories.

Invigorated by all these aids, Governor Craven was enabled not only to repel the numerous enemies of the province, but even to pursue them into their fastnesses. With the Yamazees, who first commenced hostilities, he fought a pitched battle, whom he finally defeated, though they defended themselves with unusual ardor, because both parties sought either death or conquest. Having driven them at length from their ancient possessions, he compelled them to seek sorrowful protection from the Spaniards of Florida, whose intrigues had incited them to action. The other tribes sued for peace, when they heard of the overthrow and expulsion of so great a people. And tranquillity was again restored during the year 1717, though the assembly, with a singular temper, would scarcely believe that their constituents were safe, even after warfare had ceased, as supposed danger promoted their intended designs. They transmitted, therefore, an address to the king, stating the deplorable circumstances of the province from a consuming war, and begging to be taken under his immediate care, from whom alone they could enjoy protection or expect redress. Having conquered the country of the Yamazees, they thought it but just that a

land, acquired by the sword, should be appropriated to the purposes of future safety ; nothing had been more wise than their laws for investing the property of those acquisitions in Irish emigrants, who might defend them by their prowess, had they suspended their regulations till the proprietaries' consent was obtained. Nothing could be more incongruous than their complaints of the inconveniences which the selfish forwardness of the delegates and the infidelity of the governor introduced, when a just regard to their own rights induced the chief rulers to repeal the laws that had deprived them of their property without consent. While the assembly asked favors of a British king and protection from a British Parliament, they imposed a tax on British manufactures, imported to Carolina, of ten pounds in the hundred of the value. Contemporary men, who had for five and twenty years observed the conduct of the Carolinian legislators, remonstrated against what they considered "as a great discouragement to trade ;" they remarked, "what mischiefs must follow, if the colonies are allowed to make laws tending to prejudice the manufactures of England, since they have for some time aimed at manufactures of their own, and to lay duties on the British merchants, because they will not tax their own estates."

When these representations were urged to the Board of Trade, the proprietors were reduced to a dilemma truly pitiable. They were threatened with the forfeiture of their charter, if they did not annul the laws, of which they were ignorant, since their unfaithful officers had never transmitted them ; when they despatched their order of repeal, they incurred the hatred of their tenants. Other regulations, either prohibiting the importation of negroes or creating a monopoly of the Indian trade, were equally complained of, as proceeding "from a mercenary and ignorant temper ;" which were, there-

fore, in the same manner exploded. When the agents discovered that Lord Carteret's interest was more powerful than theirs, since the selfish conduct of their constituents did not recommend them to favor, they applied to Parliament for that remedy which they had not found in prerogative. To both houses they represented, in May, 1717, that a province, of the greatest importance to Britain, had been almost ruined by a barbarous war, the ravages of which alone amounted to one hundred and sixteen thousand pounds, besides the debts contracted to the extent of one hundred thousand, while the few remaining men were unequal to the defence of an extended frontier; that, having applied without success to the proprietors, who were unable to give them adequate aid, the nation must inevitably lose the colony, "unless the Parliament, by proper methods, place the province under the immediate protection of the king." Never was there a juster pretence or a fairer opportunity for resuming a proprietary government, which had been so often complained of as injurious to England, as was now offered by the agents, as had arisen out of the concurrence of many causes. The Parliament continued, however, unmoved, because the ministers seem to have sacrificed general utility to the gratification of an individual. From the reign of William, there had existed, in Carolina, a powerful party, who, in their attachment to independence, abhorred the power of the proprietors; who had seized every occasion either of private prosperity or public misfortune to gain their end. When they heard that the recent application to Parliament had failed, they determined to rely on their own exertions, in overturning their ancient system, since their agents gave them reason to hope, that their conduct would be ultimately rewarded with approbation and applause.

When the able and active Craven retired, in 1716, Johnson, a man illiterate and weak, inattentive and unfaithful, was sent to govern a people, dissatisfied, because they wished for change. The distressed situation of the province and the immoderate conduct of the assembly dictated his instructions. He was directed to relinquish to the public considerable debts for the alleviation of the burdens of the war; to declare the proprietors' dissent to various laws, which were destructive of credit, by multiplying paper bills without necessity, which were injurious to commerce, by imposing unequal taxes, which had changed the constitution, by altering the mode of the delegates' election. He soon perceived, that the improvident, not to say treacherous, conduct of the deputy-governor Daniel, made it necessary to temporize, since "the colonists became outrageous, and spoke boldly of the tyranny of the proprietaries," at a time that they wanted energy to oblige those, who solely depended on their choice, to obey their commands. He was confirmed in a predetermined resolution by the advice of the council, who insisted, that obedience to unpopular orders would promote neither the interest of his superiors nor his own ease. And, instead of obeying his instructions, he imprudently attempted to conceal them. Having discovered a secret intrusted to many, the delegates adopted a measure that ere long put an end to his power. They contended, with a zeal which concealed the fallacy of their reasonings, that an act, once approved by the governor and council, could not afterwards be dissented to by the proprietors, since their approbation was included in that of their governor. A pretension which nearly overturned the constitution was rather feebly opposed by the counsellors, because it flattered their own pride. In a conference that soon ensued, the chief

justice Trot exploded the arguments of the delegates with a superiority of talents and force of disquisition, which, while they did not procure acquiescence, laid the foundation of his own ruin. He was accused before the representatives of various misdemeanors, and of what was probably his principal crime, "of having engrossed the whole judicial power, by acting as judge of the king's bench, the common pleas, and of the admiralty." And a man, who had zealously supported the falling constitution, was easily found guilty. The governor and majority of the council showed how little they were worthy of trust, in concurring with the delegates in their representation to the proprietaries against the object of their envy, because they did not advert, that the attack on the chief justice was only a blow aimed at the present system. And they sent Yonge, a counsellor and the surveyor-general, as their agent to England, to state their grievances, pretended and real. The wise perceived, that a considerable change was at hand, when men sacrificed propriety to zeal and their duty to revenge.

Meanwhile the colonists were far from happy, owing almost altogether to some preceding folly. Their commerce was extremely embarrassed, less by the depredations of the pirates than by the fluctuations of their paper currency. The rovers were extirpated by the gallantry of Johnson and Rhett; but the other evil could only be eradicated by patience and a long line of prudent conduct. In 1717, the assembly passed an act for recalling their paper bills, by a duty on lands and on polls; in the subsequent year, they repealed this salutary law, because the provincials approved neither of the payment of taxes nor of the diminution of the currency. When the proprietaries, urged by the British merchants no less than by a sense of justice, dissented to this act

of repeal, they gave the greatest offence to the province. The Yamazees, having mean time vowed perpetual warfare, made it difficult if not impossible to defend a wide-extended frontier. And "the people were thereby induced to complain of the insufficiency of a government that could not protect them, yet at the same time prevented the interposition of the crown."

The proprietors, however, justly considered the representations of Yonge as an insult offered to their understandings as men, which at the same time attacked their essential rights, as lords of the soil and chief rulers of the province. From the recent conduct and pretensions of all parties, they inferred, what was assuredly true, "that the people seemed to be industrious in searching for causes of dissatisfaction and grounds of quarrel, with a view to shake off their authority." They dissented to various laws, which had each a tendency to limit their chartered powers. They appointed a new council, enlarging the number from seven to twelve, and rejecting three who had most grossly betrayed their trust. They reprimanded the governor for disobeying their orders, while they commanded him to hesitate no longer in dissolving an assembly which had been chosen under the improper authority of an act repealed. They refused to disgrace, without hearing his defence, the chief justice, who had alone defended their prerogative, though they sent him the accusations and desired his answer. And the measures of the proprietaries, equally wise and vigorous, had probably proved decisive at any other time than at the eve of a revolt.

In November, 1719, Johnson literally obeyed his orders, though he foresaw the danger. He dissented to the obnoxious laws; he dissolved the irregular assembly, issuing writs for the choosing of a new one according to the ancient mode. What had been foreseen by

attentive observers immediately ensued. "The whole people were prejudiced to such a degree against the proprietors, that it was grown almost dangerous to say a word in their favor." A body of delegates, chosen during such a ferment, must have been necessarily impregnated with the spirit of their constituents. In December, 1719, the representatives resolved, that they could not act as an assembly, but as a convention, delegated by the people, to prevent the utter ruin if not the loss of the province; that the proprietaries have, by their late proceedings, unhinged the frame of government and forfeited their rights. They sent a request to the governor, to assume the administration in the king's name, which, with the spirit of Cromwell on a similar occasion, he denied, because his compliance had precluded him from future trust. And, with a genuine tribunitial temper, they refused to act with the new council, which they declared to have been appointed by incompetent power. Having tried various petty arts to induce them to depart from their predetermined purpose, Johnson made a formal attempt to dissolve them. But, in their turn, they derided his imbecility, and directed that all officers should hold their authority from them. They chose Moore, who had long played a conspicuous part in the tumultuous scene, as their chief magistrate; they appointed twelve counsellors, in conformity to the common plan of royal governments; and they declared the several parties, whom they had thus created, to be an assembly, in order that the province might enjoy the form as well as the substance of a complete legislature. Never had Carolina enjoyed an administration so vigorous and active as the present, because it was the only one that seems to have ever possessed the confidence and support of the governed. And it easily defeated a trivial effort of the late ruler, to

regain what he had in some measure thrown away, since he was deserted in his merited distress both by friends and by foes. The insurgents gave notice to the Board of Trade of this interesting event ; stating, as the causes of their conduct, "the extremities to which they were reduced by the confused, negligent, and helpless government of the proprietaries, which had induced them to renounce obedience, as delays might have put the Spaniards in possession of the province." Johnson transmitted a similar account, calculated more from its speciousness to mislead, than, from an investigation of the true causes of the revolt, to enable the ministers to adopt proper measures.

A genuine statesman might have foretold every event in the foregoing period, from a slight consideration of the principles of the original settlers, of the complex constitutions, framed by Locke and established by the proprietaries. He, who reviews the Carolinian annals rather from the satisfactory evidence of unerring records than the fallacious relations of uninformed historians, must perceive in the colony continued sedition and turmoil, disobedience and anarchy, which at length produced a dissolution of the provincial system ; in the proprietaries, great apparent power without energy, good intentions without success, and the most laudable endeavors to promote the prosperity of the governed without gaining their end. What can be more apparent than that the facts, assigned as the reason of the recent revolution, are altogether unequal to the singular effects ? A contest with regard to abstract propositions of law, an adherence to forms, the support of a judge, obnoxious, because able, could never have produced universal disaffection, had not the unworthy habits of the colonists concurred with the debility of the constitution. Though the official despatches were calculated to conceal, rather

than disclose, the true motives of late events, a key was given to the ministers of England, which laid open the secret purposes, that were before only suspected. They were assured, by an attentive observer of the conduct of all parties prior to the late change, "that, if the much greater part of the most substantial people had their choice, they would not choose king George's government." In December, 1719, Rhett, the intelligent receiver of the revenues, wrote, in prophetic language, "that, upon twenty-five years' experience he had remarked, that the planters of Carolina, who are greatly in debt to the proprietors, had been raising conspiracies; and, if their recent revolt is not cropt in the bud, they will set up for themselves against his majesty."

When, in August, 1720, these remarkable notices were communicated to the Board of Trade by the lords justices, who asked their advice, they resolved, with an alacrity which appeared as if they had expected what had actually happened, "that it would be proper to follow the glorious example of king William in the appointment of a provisional governor;" never reflecting, in their complaisance for the sentiments of others, that an illegal act, performed by the banished James, by the immortal William, or by the gracious George, was equally an illegal act. The declaration of rights had precluded all argument whether a king of England could deprive the meanest subject of the most trivial privilege without legal process; he could not divest the Duke of Beaufort of his dukedom, nor Lord Carteret of his baronage, neither could he withdraw from them and their noble associates the honor of governing a province upon a supposed necessity or the gratification of his will. Yet, considering the importance of Carolina and its present confusion, the lords justices ordered, "that the government should be taken provisionally into the

hands of the crown." When the agents had, three years before, solicited the Parliament to execute the same design, the ministers denied them their influence ; when a real necessity demanded now an adequate remedy, they applied to prerogative for what could be only found in the legislature.

In January, 1721, a writ of *scire facias* was directed against the charter, which was equally obstructed as the former, by the privilege of the peerage. Nicholson, a man peevish from age, arbitrary by nature, and dependent from penury, was at the same time appointed provisional governor. Informed by the same instructions as were given to the chief commanders of royal governments, he was, moreover, empowered to appoint his own council, as well as every other officer. There was sent with him an independent company of soldiers, with the pretended design of protecting the timid, but with the real purpose of overawing the turbulent. And, since their annual establishment amounted to more than three thousand pounds, the colonial seditions cost England, during the subsequent fourteen years, forty-three thousand pounds.

Conscious "that he had been falsely sworn out of the government of Virginia and lied out of that of Nova Scotia," Nicholson determined to sacrifice his trust to his endeavors to please. He placed Middleton, who, as speaker of the convention, had carried the vote of revolution to the late governor, at the head of the council ; he named the men whose active influence had procured that event as his counsellors. And he appointed the same person, who had impeached the late chief justice, to discharge now his important office. His arrival, in 1721, is said to have silenced the voice of discontent and to have banished the fear of danger or even of oppression. Actuated by the sentiments of their con-

stituents, the assembly of September, 1721, recognized the undoubted right of George the First to the province of Carolina, as well as to every dominion of the crown. They passed the same laws that always follow successful revolt, they confirmed the public proceedings during the late state of independence, they discharged all suits for pretended wrongs during that period of distraction. And their other measures were chiefly dictated by the supposed grievances which had lately promoted disaffection. They regulated the courts of justice; they reduced officers' fees; they changed the mode of electing delegates, which had formerly been made in Charleston, which was now to be performed in the various parishes by ballot; and, while they granted a small revenue for maintaining garrisons and supporting the civil establishment, they appointed a treasurer who should be dependent solely on themselves. Taking advantage of the governor's instruction, "that he should receive no presents after the appointment of a salary," the representatives gave him a gratuity of five hundred pounds sterling, but secretly determined never to render him independent. And nothing could be better calculated to degrade the royal government and to impose on the ministers, than the measures which were now adopted by both parties. A committee of correspondence was nominated by the two houses of assembly to transact affairs with their agents in England; Nicholson, contrary to his positive injunctions, referred the Board of Trade to them for information with regard to the state of the colony.

The independent company was sent to form a post on the northern bank of the river Alatomaha, with a view to prevent the Spanish encroachments. And treaties of amity were made with the surrounding tribes, in order to retain their beneficial friendship. When the

delegates reassembled, in December, 1722, they gave ample specimens of the vehemence of character by which all were animated. Contrary to the petition of the inhabitants, they passed an act for incorporating Charleston, by which the mayor, aldermen, and council were not only appointed for life, but were empowered, exclusive of the freemen, to fill up the vacancies occasioned by death. When West, the able counsel of the Board of Trade, reviewed this singular effort of legislation, he remarked, "that it had established the completest oligarchy that ever was seen; as the government was vested in nineteen gentlemen, their heirs, and assigns, forever." And a law, which had already given rise to oppression and complaint, was soon disallowed by the king. As if the province had not been already debilitated by a depreciating currency, an ordinance was introduced for issuing paper bills to the additional amount of one hundred and twenty thousand pounds. Foreseeing the ruinous consequences, eight and twenty of the most respectable merchants presented a representation to Nicholson; stating, in plain but manly language, the history of paper currency from 1702, when six thousand pounds were issued and the exchange with London was five and twenty in the hundred, to the present time, when no man knew the amount, except from the circumstance that six hundred pounds of it were only equal to one hundred pounds sterling; asserting as the chief cause of this unexampled depreciation, what was assuredly true, "that every legislative engagement, for recalling the various emissions of bills, had been broken through by every assembly." With their habitual violence the delegates resolved, that the merchants' petition was a false and scandalous libel; and they committed them to close confinement, because its reflections on former assemblies were deemed a breach of the privileges of

the present. Claiming it as a legal right to petition for legal purposes, the prisoners applied to the governor for protection, and to the council for permission to be heard by advocates against the object of their dread. The governor did not put an end to their imprisonment by proroguing the assembly, because he was dependent on them; the council showed an inclination to grant their desires, but they feared that their compliance would be construed as an invasion of the rights of others. The law passed, and the merchants were discharged after submitting to an unwilling concession, which only could reflect on them who asked it, and paying three hundred pounds sterling as fees. Against measures, thus oppressive and unjust, the traders of London complained to the Board of Trade without fear of commitment. They stated, that, having given considerable credit to the provincials, they had been deprived of one half of their debts by the depreciation of their paper and by the rise in the nominal price of their productions; that they had often applied for redress to the Board, which had induced the proprietaries to transmit orders that were by all disregarded, because, "having found the sweets of the cheat, they continued their frauds." Nicholson was found to have disobeyed his orders. The obnoxious act was disallowed. And the lords justices sent additional instructions, "to consent to no new law for creating a further paper currency, nor to any act by which the sinking funds already established should be diverted to less salutary purposes."

While the wise reflected, how miserable had been a province, where neither personal freedom nor the rights of property were safe had it been governed by itself alone, the proprietaries made a feeble effort to regain their former honors, flattering, yet unprofitable. They complained of the innovations of Nicholson, and of the

injury done to their manorial rights, without gaining their end. Unsupported by Lord Carteret, who employed his rising influence to promote his own gratification, their complaints made little impression, since the ministers appear to have sullenly resolved neither to restore what they had unjustly taken away nor to acquire an equitable title to rule by granting a compensation.

The governor was roused to attention by reproof, and the delegates were checked by opposition. While he published the royal dissent to the acts, which had given such just offence, they endeavored, though without success, to justify the conduct of both. They begged the Board of Trade for a reconsideration of their late representation against their paper currency; assuring them, that, in return for their aid, "they would never pass more laws affecting commerce." But the Board remained obdurate. And the assembly convened, in December, 1723, in order to remove the embarrassments which their own imprudence had occasioned. They tried every expedient which cunning could devise to induce Nicholson to give up his recent orders to their interested purposes; to permit modifications of their former acts, since he would not admit of the reënacting of them. Yet, contrary to his former facility, he continued firm, because he had heard of complaints against him and dreaded a recall. The assembly empowered the debtors to discharge their engagements in rice at a stipulated value, since they were no more allowed to fulfil them, by tendering a paper which was of no real estimation. How seldom, alas, is common sense admitted into political economy! What can be more apparent, than that there was only one mode by which the province could be extricated from the embarrassments that had been introduced by their depreciated currency, which was indeed pointed out and enforced by

the royal instructions; to recall gradually the paper bills with design never to issue more. When the delegates found, that they could no longer mould the governor to their purpose, they gave him cause to lament, "that they entered into resolutions without the consent of the council; insisting on their old privileges under the proprietaries, however inconsistent with the king's government." Provocation having now enlarged his knowledge of men, by disclosing their principles of action, Nicholson wrote the Board of Trade, in June, 1724; "I should fail in my duty, if I did not observe to your lordships, that I find the spirit of commonwealth-maxims, both in church and state, increase here daily, and, as I suppose, partly by the influence of the New-Englanders."

When Nicholson returned to England, in 1725, accompanied with the thanks of the assembly, the paper bills had been gradually reduced, by an adherence to the late prudent orders, to eighty-seven thousand pounds, which however still circulated at a discount of four hundred for one, because the merchants had no confidence in a legislature that had so often proved faithless. The complaints, which were continually heard, only declared, that the provincials, by engaging in unusual enterprises, had overtraded themselves, while they augmented the productions and enlarged the commerce of the colony; the province prospered while the projectors were embarrassed. And the Carolinians, enjoying an advantageous peace with the Indians, solely dreaded Spanish encroachments, since they had felt the unhappy influence of Spanish intrigues. The administration devolved on Middleton, a man interested and corrupt, who had acquired political cunning from his experience of the party contests of preceding times. The governor had scarcely departed, when he began to

sell the petty offices of the province. This unworthy conduct was regarded as the more extraordinary, because "he was a native of the country, who had condemned this baseness in the proprietaries, and had been the first who took the lead in the revolution." And, having no friend to defend him, he was impeached by the delegates during the session of November, 1725. Yet the formal complaint, which was instituted before the Board of Trade, was relinquished as soon as he denied the charge. The representatives, actuated by the interestedness of their constituents, attempted to repeal the law, the salutary operation of which was daily restoring the credit of their paper bills, by destroying a part of them; but they were checked by the opposition of the council. They soon convinced their opponents, that they could easily reduce, to the most humiliating dependence, every officer, and even the administration, when they were not in all things gratified. They put such constructions on the royal orders as showed their contempt for the prerogative itself. And the counsellors thought themselves obliged to complain to the Duke of Newcastle, in December, 1725, "that the delegates had reduced them to the fatal dilemma of either passing an improper tax-bill or of having no support to the government, since they deny the council's power to amend money bills."

As the king's ministers remained silent spectators of the unequal struggle, the same contests were renewed in December, 1726. Perfectly aware that the president was instructed to permit no measure that should obstruct the final extinction of the discredited paper, yet urged by the imprudent desires of their constituents, the representatives passed a bill for throwing into circulation an additional eighty-six thousand pounds. But the counsellors denied their assent; urging, what did not,

however, procure acquiescence, that the royal intention and the interests of the governed properly understood, both happily coincided. Animated by the sentiments of an indebted people, the delegates begged the president to remove Allen, the chief justice; but he declined rather than refused. They asked him to displace the marshal, who here executed legal process, and he complied. In return, they continued the revenue for the payment of the civil and military establishment during the subsequent year. And they sent a petition to the king, praying for a relaxation of his instructions with regard to paper bills, which would soon leave them without any measure of commerce, which would ruin a province that already felt insuperable distress. Yet, without waiting for an answer, they seem to have determined to call in force to give weight to representation. When the assembly adjourned, in March, 1727, insinuations were scattered among the multitude, "that the counsellors were the only obstructers of the public good, and some men ought to be put in bodily fear, since the people's representatives had often tried, yet could not save the country."

Universal anarchy soon ensued. In April, 1727, the inhabitants entered into an association against the payment of taxes that had been imposed by their delegates, pretending their inability while their money was daily withdrawn. The merchants feared "that the next step would be to discharge no debts, since they had already overawed the marshal, to subvert the government, and to become levellers." Amidst the madness of tumult, Smith, a landgrave and a counsellor, attempted to gain, from the acclamations of the multitude, the supreme rule. But he was committed to prison as a traitor before he could execute his purpose, since his partisans were checked by a sense of danger from the king's

ships, which lay in the harbor of Charleston. When the chief justice refused to grant the seditious prisoner a writ of *habeas corpus*, because the greatness of his offence required close confinement, two hundred and fifty horsemen entered the capital, and demanded his release in such terms as admitted of no denial. The insurgents sent a deputation with a complaint of grievances, which they presented with one hand, while, with the other, they brandished their arms. Their remonstrance complained of the counsellors, of the law, of the chief justice, of the lawyers, of public ruin, and of individual distress. Private and therefore disinterested men remarked, "that, whatever might be pretended, the true ground of all is to be relieved in paying their debts by a tender law, by an act enabling them to discharge real engagements by a depreciated paper, or by commodities at a fictitious price." The president temporized, as government had lost its energy. And they were for the present somewhat pacified by an assurance, that an assembly should be called, in order to consider the disturbed state of the province.

When the delegates convened in August, 1727, they instantly showed how much they were actuated by the sentiments of the remonstrants, since they had really urged them to action. With the genuine spirit of the last century, they encouraged tumultuous petitions for an increase of paper, by caressing the petitioners, by censuring the president, because he had acted as if he thought they were not aggrieved. Having extended their patronage to Smith, they impeached the chief justice, for denying a writ of *habeas corpus* to a man committed for high treason. When they were put in remembrance of the threatened invasion of the Indians, they took that opportunity to offer an ordinance for issuing fresh bills of credit, for appropriating the sink-

ing fund, though they knew that the president was restrained from assenting to it. And they attempted, contrary to the statute of Anne, to enhance the value of foreign coins. Loaded with obloquy and menaced with violence, the counsellors passed their bills with a clause, suspending the operations of each till the assent of the king should be given. But the delegates rejected their conciliatory proposition and insisted on laws which were demanded by the people. [The president threatened them with the royal resentment. They complained of his arbitrary conduct, and adjourned themselves contrary to his prohibition; and, when this contemptuous conduct made a new assembly necessary, the representatives refused to attend when summoned by the king's writ, in the king's name. In this extremity of weakness, when continued confusions, proceeding chiefly from the anarchical habits of the colonists, had deprived Carolina of the appearance of any social establishment, the president endeavored to rouse the Duke of Newcastle, by representing, in December, 1728, "that his former letters having been laid before the king without any perceivable effect, the government was reduced to the lowest extremity; since the people, perceiving that no public censure was passed on their insurrections, had run into all manner of licentiousness; that experience had shown how vain is the attempt to employ the inhabitants to reduce themselves; and, having no standing forces or treasury to apply to upon the most emergent occasions, it will be difficult, if not impossible, to support any government where either the one or the other is wholly wanting."

The proprietaries had meanwhile continually claimed the honor of ruling an ungovernable province. When they heard of the late debasement of the royal authority in the person of Middleton, they put the ministers in

remembrance of what they had foretold ten years before, from the information of the penetrating Rhet, "that, if the recent revolt is not cropt in the bud, the provincials will set up for themselves against his majesty." It could not have been a hatred of their persons, said they, or an animosity to their conduct, which had produced the revolution of 1719, since the present president and counsellors were the most active agents in producing a change, the sad effects of which they now felt; as permanent principles always inspire uniformity of conduct, the same objections, pretences, and practices had now overturned the government of the king, which had formerly overwhelmed the private rights and public administration of the proprietors. Nothing can be more amusing, than to trace the progress by which the same causes bring forth similar effects, diversified only by variety of circumstance, which often gives a different turn to events. Copied literally from the charter of Maryland, the Carolinian patents equally established a proprietary rule, though the one province has generally been the most peaceful, the other the most turbulent. The habits of the original people, the religion, the constitution inspired in Maryland a love of order, a regard to forms, and an attachment to the supreme magistrate, which seem at no time to have existed in Carolina; because the pristine settlers had no peculiarity of character, no discrimination of religion, no social system, that they ever approved, though a philosopher had honored them with a celebrated code. In Maryland, the proprietors have always enjoyed considerable influence, and have therefore been supported by a great party; in Carolina, the proprietaries appear at no time to have possessed any power, and therefore no man was attached to their fortunes. During the reign of Anne, Maryland felt the same distresses as Carolina had lately experienced,

without adopting the same modes of redress ; the people of the first, though almost ruined by entering into engagements which they could not fulfil, and being influenced by the chicanery of debtors, generally applied to the legislature for relief, and were at length extricated by prudent perseverance. Yet both enjoyed unexampl'd prosperity amidst their embarrassments ; and, while they complained of depopulation and the evils of declining commerce, both added considerably to their numbers, to their traffic, and to their affluence.

Such were the natural consequences of British policy and of colonial conduct, during the reign of George the First. Advised by ministers who had yet to learn the nature of the connective tie between the parent country and her colonies, that monarch enjoyed an influence still less than any of his predecessors, because political power, taken from one scale, is constantly thrown into the opposite one. And the democratical principle of the colonists gained new strength in the same proportion as the national authority declined. Urged by that vigorous spirit of independence which we have beheld seizing every fair occasion since the revolution to gain its end, the provincials daily encroached on the rights of the nation, since her rulers were too inattentive to give them effectual support, though they were informed and warned, though they were assured by the Board of Trade, *that these chartered governments have shown too great an inclination to be independent of their mother country.* The prerogative of the prince, which in some instances had been exerted improperly, perhaps illegally, was in Massachusetts and in Carolina trampled under foot, was in all derided, because an injudicious use of authority never fails to deduct something from its force. The jurisdiction of Parliament, though exerted during the foregoing period in all cases whatsoever, was never-

theless questioned by some settlements and denied by others, as the acts of the supreme legislature had been often circumvented and seldom executed. Yet the wisdom of various legislative regulations promoted meantime the population of the plantations, their commerce, their wealth, and consequently their power and their confidence, which proved at present beneficial to both, but in the end destructive. Happy! had the kingdom and the colonists sufficiently reflected, that it answered no salutary purpose with regard to the interests of Britain, to protect and cherish distant establishments, which the national councils, whether directed by whigs or by tories, could not govern.*

* The wisest statesmen of the reign of George the First appear to have added little to the stock of ancient knowledge, with regard to colonial jurisprudence. Mr. West, the first lawyer, who had been appointed the peculiar counsel of the Board of Trade, who was afterwards chancellor of Ireland, reported to the Board, in June, 1719, "It may be made a question, whether the general assemblies in the colonies may be entitled to those privileges which have been allowed to the Parliament; but it is most certain, that the prerogative, in relation to the assemblies, is at least as extensive as ever it was in respect to our Parliament, and this prerogative every governor may exercise." When the Board of Trade two years thereafter recommended to the king the appointment of a military dictator for the provinces, yet advised that the colonists should enjoy the privileges of subjects, they were plainly influenced by contradictory reasonings. For, there are two correlatives which can never be separated; a British subject must necessarily be entitled to British privileges, wherever he may reside within the British dominions, a British subject owes obedience to British laws and consequently submission to British government. Yet Sir Robert Raymond and Sir Philip Yorke, in reviewing the ordinances of Jamaica, remarked, in May, 1723; "As to the *habeas corpus* act, it is submitted how far it may be proper to enact it in Jamaica, which is a colony at so great a distance from England. We are informed, that it has been often attempted in Ireland, and the crown has, for weighty reasons, never thought fit to consent to it even in that kingdom. But there is one clause in that act, which might be particularly inconvenient; namely, that which restrains the sending of persons prisoners out of the island." Such opinions, delivered by such men, ought at least to teach moderation to the politicians of the present day, in their treatment of each other. Uncertainty of law introduced then, we have seen, that misery and consequential feebleness, which every community, when placed in a similar situation, had felt. And the colonies exhibited a state of society during the foregoing reign unexampled in the annals of the world. Though the royal instructions had denied the provincials mental freedom by restraining the liberty of the press, and personal freedom by refusing them the writ of *habeas corpus*, they yet enjoyed an independence of thought and of action beyond what the people of Britain exerted; though the king was supposed to possess a prerogative in the provinces superior to that which he might exercise within the kingdom, he had been gradually deprived not only of political influence but even of regal authority. And, as no corroboratives had been thrown in by the state-physicians of preceding times, the decline of the provincial constitution continued, till the disease ended, by a natural progress, in convulsions, which every one now feels and therefore laments.

BOOK NINTH.

REIGN OF GEORGE THE SECOND.

1727 — 1760.

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CHAPTER I.

INTRODUCTION.—General State of the Colonies.—Complaints respecting the Progress of Provincial Principles of Government.—Colonial Prosperity.—Exports and Imports.—Poll-tax.—Timber for Masts.—Complaints respecting the Colonists by the British Merchants and the Board of Trade.—Bill passed for the Recovery of Debts in the Plantations.—Commercial Regulations in the Colonies.—Trade with the Spaniards and the French.—Bill imposing Duties on Importations into the Colonies.—Instructions to the Governors.—Massachusetts censures Dunbar.

WHEN George the Second ascended the throne of his father, in June, 1727, he could only acquire, with the government of the colonies, his predecessor's authority and influence, as the regular succession of a prince never changes the habits of a people. While the same ministers occupied the cabinet, the colonial policy of the late reign, weak and degrading, because contradictory and temporizing, continued neither to do credit to themselves nor to promote the true interest of the state. And the peculiar principles of the provincials gained additional strength, since they were neither refined by the presence of the court nor exhilarated by the smiles

of the monarch; since they were not elevated to new honors at the same time that the acquisition of greater opulence naturally inspired them with more ardent desire of self-rule.

When Burnet was sent to govern Massachusetts he soon experienced the truth of these observations. He perceived a progress in the minds and actions of men, which he lamented but could not counteract. And, in March, 1729, he informed the Board of Trade, "that among the many attempts which the people of this province have made to be independent, the most dangerous is that of endeavoring to wrest the sword out of the royal hand." It was from strangers that real intelligence was received, because the natives neither saw any singularity in common practices nor adverted to the necessary consequences of accustomed maxims. After a long trial of their temper, Dunbar, the lieutenant-governor of New Hampshire, wrote the Board, in March, 1738-9, "that New England might be made a very useful colony; and it is high time, as it is very populous and the people generally deem themselves independent, as is their religion; were the Church of England encouraged it would bring them to better principles than they now are of, being generally republicans." Admiral Warren, who was little infected with Dunbar's prejudices, gave the Duke of Newcastle, in June, 1745, a just character of the New-English; "They have the highest notions of the rights and liberties of Englishmen and indeed are almost levellers." Actuated by such principles their delegates had seized every opportunity, prior to the present reign, either of peace or of war, of tumult or of quiet, to draw their chartered constitution nearer to their original system; they had nearly established a pure democracy, in which the king's representative acted only a subordinate and dependent part,

though the form of the government remained long after the substance had been really changed. It was a consideration of continued innovation that induced the Board of Trade to remark, in November, 1758; "The facts resulting from an examination into the acts and proceedings of the Council and House of Representatives are such as convinced us that the dependence which the colony ought to have upon the sovereignty of the crown stands on a very precarious footing; and, unless some effectual remedy be applied at a proper time, to restore the constitution to its true principles, it will be in great danger of being totally lost."

How easy it is to graft plants, either noxious or salutary, on congenial stocks. During the three preceding reigns the New-English had disseminated their peculiar principles among the colonies of the south, either by their communication or example; they had infused their native habits into New York and New Jersey, into Virginia and Carolina. The pattern which Massachusetts set before them in the present, by her actions, inspired them with the same designs, though varied by dissimilarity of circumstance. Unacquainted with the prior transactions of his province and rather urged by what he saw than by what tradition could have taught him, Cosby wrote the Duke of Newcastle from New York, in October, 1732, that "the example and spirit of the Boston people begin to spread among these colonies in a most prodigious manner." Urged by similar observations, Morris gave notice, from New Jersey, to the Board of Trade, in June, 1743, that "the delegates are generally so fond of the example of the Parliament of 1641 and of that of their neighbors in Pennsylvania and New England, that it is easy to see what assemblies in these parts of the world are aiming at. Attentive observers of the turbulent transactions of those times

not only communicated intelligence to English statesmen of the most remarkable events, but developed their genuine causes; and by an investigation of past occurrences, of "the levelling temper" of the provincials, of "the steps they have made towards independence," endeavored to convince the ministers of the danger of ultimate innovation. Bradley, the attorney-general of New York wrote the Duke of Newcastle, in November, 1729, "The assemblies of this and other neighboring provinces seeming at this time to aim at an independency on the crown, I thought it my duty to represent the measures they take to his majesty's council." Morris remarked to the same nobleman, in December, 1741, "It may perhaps seem strange to your Grace, that an American assembly should make the passing of any law a condition *sine qua non* of supporting the government; but to what lengths they will carry their endeavors unless they meet with some more effectual check than they have done, my superiors can best judge." Yet those who ought to have attended to information and provided a remedy having remained sullenly silent, Clinton informed the Duke, from New York, in September, 1747; "Popular factions and power are become so prevalent, not only in this but in all the northern colonies, that, unless his majesty's ministers give their assistance in a different manner from what has been hitherto done, it will not be in the power of governors to support the royal authority, and I believe it will appear to your Grace, from the papers herewith and formerly transmitted, that the aid of Parliament is become necessary."

While such motives seemed to animate the breast of every colonist, the planter, who lived under the influence of forms in their creation uncontrollable, would naturally act without restraint. The Board of Trade

thought themselves obliged to represent in December, 1730, "that, as the people of Connecticut and Rhode Island have hitherto affected an independency on the crown, they have not for many years transmitted any of their laws for consideration nor any account of their transactions." Every colony which from its pristine establishments was placed in the same unaccountable station acted a similar part, as no means had been sought for to check the original tendency. Pressed by a sense of consequent difficulties, the Board stated to the Commons, in January, 1740-1, "that as the charter governments apprehend themselves by their constitutions to be very little dependent on the crown, they for that reason seldom pay that obedience to his majesty's orders, which might reasonably be expected from them." Nothing can be more natural than the gradation from disobedience to encroachment; because man was not formed for repose. The Pennsylvanian assembly having passed several acts, which were found "to offend equally against natural justice, the laws of England, and the royal prerogative, which were however supported by the most dangerous claims," the Board remarked, in June, 1760, "that it was in vain to negotiate away his majesty's authority, since every new concession becomes a foundation for some new demand, and that of some new dispute."

Thus the provincial principle and practice of former reigns not only continued in the present, but gained strength from time; and thus, by investigating the sentiments of men, we easily trace to their genuine source the incentives of human action.

Former causes of prosperity, when aided by the importation of the African negro, the German refugee, the Irish emigrant, the English convict, and the Scotch adventurer had added probably in the southern colonies

one half and in the northern one third to their population during the late reign; and the number of white inhabitants amounted at the commencement of the present to five hundred and two thousand, who enjoyed the selfish gratification of commanding seventy-eight thousand slaves. The progress of their industry and their trade has at all times kept pace nearly with the successive augmentation of their populousness. The commercial regulations of George the First, but, above all, the practice of issuing paper bills, which by a new kind of agrarian law had transferred the property of the creditor to the debtor, had inspired individual diligence and urged general enterprise. The credits that British merchants had given, the property thence acquired, the servants and the slaves whom Europe and Africa supplied, enabled the colonies to engage in new adventures, to send additional commodities not only to European markets, but to the ports of other transatlantic settlements, British and foreign. Yet the value of manufactures exported from Britain to the continental plantations, according to an average of the three first years of George the Second, amounted only to £483,340

Of the productions imported,	. . .	606,732
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Making a difference of	. . .	£123,392
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Whatever encouragement this unfavorable balance might have offered to the labors of the axe or the plough within the plantations, it could have given no great energy to the operations of the anvil or the loom within the kingdom. This unpleasant result, showing a small diminution of exports and a considerable increase of imports, arose from causes already mentioned. The British merchants had been so much obstructed in the recovery of debts and so often defrauded by successive depreciations of currency, that they had gradually withdrawn their confidence and had lately ceased to traffic.

It was partly a consideration of a subject interesting to a commercial people, but more the clamor of the merchants, which drew the attention of the ministers and the Parliament, during the first years of the present reign, to colonial affairs. The Commons naturally applied the revenue of the posts, which had been equally imposed and was now equally collected in every dominion of the crown, to the courtly purpose of supporting the dignity of the queen. Walpole, though said to have been adverse to colonial taxation, passed a poll-tax, which, being adopted by the Parliament, obliged the provincial seamen to contribute to Greenwich hospital, the refuge of the veteran and the boast of Britain. Experience having at length demonstrated, that every measure had failed which the national wisdom had devised for preserving the timber reserved for the masts of the navy, former laws were enforced, that proved in the same manner ineffectual, since they were opposed by the spirit of the people, while the judges and jurors were interested in the event of every prosecution. The same act gave bounties to the importers of tar, and pitch, and turpentine, which being extracted from the pine, this encouragement only hastened the final destruction of the forests destined for naval wars. Considerate men lamented, "how moving it was to hear complaints at home for want of ship timber, when the king's own subjects in New England dare with impunity supply his enemies abroad." The zealous Dunbar, who succeeded the feeble Burniston as surveyor of the woods, exerted his authority to as little useful purpose as the active Bridger. And Auchmuty, the advocate-general, wrote the ministers from Boston, in December, 1730, "that if the surveyor is not supported, the honor and power of the crown will ever be had in ridicule by the levelling people here, where the officers are already

their butt." It is inattention to just information no less than imbecility of purpose, which ruins the influence not only of every individual, but of every monarch.

When men's understandings are insulted at the same time that their interest is invaded, even the indolent are roused. Grown impatient at length, the merchants complained to their sovereign, in 1731, "that in the colonies which owed their prosperity to their favors their commerce languished, since it was loaded with unequal burdens; that they had long found it difficult if not impossible to recover their debts, partly owing to distance of situation, but more to the injustice of exemption." Having inquired into this subject, the Board of Trade discovered, "that the colonists have been very partial to themselves, exempting their persons from arrests, and giving a preference in the recovery of claims to the inhabitant before the British trader; granting duties where a less tax is imposed on their own effects than on those of the residents of Britain." And, in February, 1731-2, the Board laid before the Commons the state of the plantations, which showed the vigilance of their attention no less than the extent of their research. Their representation gave a sketch of the various colonial systems, pointing out the dangerous defects of each; "In Massachusetts, the chief magistrate and every other officer being wholly dependent, the governors are tempted to give up the prerogative of the crown and the interest of Britain. Connecticut, Rhode Island, and Maryland, being under no obligation to transmit their laws, or indeed to give any account of their proceedings, it is not surprising that governments constituted like these should be guilty of many irregularities. Pennsylvania had evaded her charter, having transmitted, since the year 1715, no acts of assembly for the royal revision, except occasionally an act or two.

The royal governors had been negligent in sending the bills, which the provincial legislatures frequently endeavored to enact, repugnant to the laws and interest of Britain, which, however, had been always disapproved when at length received." And there were distinctly recited the various efforts that assemblies had made from the revolution to the present time, for promoting provincial manufactures, which in the same manner had either depressed the internal industry of England or restrained her foreign adventure. Urged by these representations, the Parliament passed an act "for the more easy recovery of debts in the plantations;" giving a simple mode for establishing the claim, and subjecting the lands and the slaves to the payment of all demands. Yet the largeness of remedy was by no means equal to the extent of the complaint; since the legislature was rather governed by the clamors of interest than directed by the dictates of policy. The priority of payment to residents and the inequality of taxes on unrepresented subjects remained, the disgrace of national wisdom; though a mere declaration of the supreme power, that they should no longer continue, since they were no less unjust than illegal, would have given adequate redress. The manufacture of hats in the colonies was then also restrained; yet the New-English were tacitly allowed to supply the southern settlements with most of the productions of the furnace. And the original defects of the provincial constitutions, the genuine source of successive usurpations, were permitted to exhibit standing monuments of continual complaint, of general neglect, of the imbecility of man, till they ended, by a natural progress, in the worst evils that can afflict a people, revolt and civil war.

What can be more apparent, than that the reasonings which had justified original colonization and conferred

subsequent bounty, had almost altogether failed? When men had ceased to dream of the precious metals, and began to look forward to commercial benefit rather than to the fluxion of the mine, they insisted with a decisive tone, that a colonist, being supplied with all things from the original establishment, must be of more real advantage to a manufacturing community than two residents, who can only consume in proportion to the value of his labor. That the plantations, being considered as territories of the state, must therefore be subject in all things to her regulation; their laws may be moulded to the standard of her convenience, and their traffic may be turned into a channel most advantageous to her views; their productions ought, consequently, to be cherished by the national encouragement, since they are our own, in opposition to those of foreign countries, whose laws and policy cannot in the same manner be subjected to the revision of the national legislature. Who does not, however, perceive with regret, that the colonists, from the date of their successive settlements, have generally framed their commercial regulations rather as the opponents than the subjects of a trading empire. We have seen them oppose the acts of navigation; establish rival manufactures; obstruct the recovery of mercantile claims; impose taxes on the residents of Britain, exempting themselves; and, in the significant language of the merchants, "treat them as foreigners within their own plantations." Nothing, however, can be more unfair than to reason against the use of establishments from the abuses that have at all times been suffered to prevail. Nothing could be more just than the advice which the great Bacon gave to Villiers, the favorite of successive kings, who gave existence and nurture to the colonies; "Foreign plantations are very necessary as outlets to a populous nation, and may be

very profitable also, if they be managed in a discreet way."

Nearly allied to the genius of commerce, which at all times grasps at monopoly, is the spirit of jealousy in subordinate communities. While the continental settlements stated themselves as the trading competitors of England, the West-Indians envied their prosperity, and sought that gain from restriction, which they ought to have derived from diligence; that advantage from their traffic which promoted the lamented progress of the neighboring islands of France. The interested controversy between the northern and southern colonies really opened in the reign of William, though it was only closed during the present. And various proposals had been made, in order to turn the doubtful scale of pretension in favor of the islands, without reflecting that where the balance of policy vibrates in suspense, the weight should be added to the industrious and poor, rather than to the indolent and wealthy. It was resentment which at length turned the beam, when the ministers and the Parliament were told, that the New-English annually supplied the Spaniards and the French with ships, in return for molasses, and sugar, and rum. And the Commons having resolved, in 1733, to impose duties on those articles of foreign product when imported into the northern settlements, Rhode Island insisted, "that such impositions would be highly prejudicial to their charter." In opposition to their petition, obscure yet significant, Sir William Yonge objected, because it impugned a money bill, "that it looks mighty like aiming at independence and disclaiming the authority of this House, as if this House had not a power to tax them." Another member "hoped they had no charter which debars this House from taxing them, as well as any other subjects." A third remarked,

“that, as the colonies are all a part of the people of Great Britain, they are generally represented in this House as well as the rest of the people are.” But Sir John Barnard urged in support of the application, “that far from aiming at independency, the presenting of the petition was a direct acknowledgment of the authority of the House.” Mr. Pulteney, Sir William Windham, and their associates supported his argument; “since the question was not whether the desire of the petition shall be granted, but whether it shall be read.” And the Commons rejected the petition, because they would not suffer a money bill to be opposed by remonstrance. The merchants of New York determined to obstruct a bill before the Lords, which they deemed “of worse consequence than the act of prohibition of the last year.” And while Partridge, their agent, inclosed their petition in March, 1733, to the Duke of Newcastle, he thus wrote in its favor; “For that, beside the injury the bill will be of in itself, almost tantamount to a prohibition, it is divesting them of their rights as the king’s natural-born subjects and Englishmen, in levying subsidies on them against their consent, when they are annexed to no county in Britain, have no representatives in Parliament, nor are any part of the legislature of this kingdom; and that it will be drawn into a precedent hereafter.” The petition stated merely “the inconvenience to trade,” and asked only from the equity of the Lords special exemption. Yet the bill was passed, since its provisions were deemed necessary, and its principle was thought just.

Having thus decided that famous contest by imposing a tax and creating a precedent, both houses of Parliament, for several years after, inquired minutely into the state of the plantations; into their jurisprudence, their commercial policy, their political practice, without re-

moving the causes of irregularity or giving a different direction to the colonial spirit. And the prerogative exerted its feeble force, when the legislature should have prescribed new rules of action. In 1732 and 1733, orders were sent to governors, whose inattention and disobedience had become proverbial, "to pay a due regard to former instructions; to consent to no acts of assembly, which may affect the trade of this kingdom, which place the provincial upon a more advantageous footing than the resident of Britain; to transmit for the use of the Commons a particular account of the laws made, the manufactures set up, and the traffic carried on, that may prove injurious to the nation." Answers were not long after received, calculated, from their general speciousness, to impose, rather than from their minute intelligence to inform. When the Board of Trade, in February, 1733-4, laid such accounts before both houses of Parliament as their diligence had been able to gain, they remarked; We cannot conceal the difficulty of procuring information of the commercial affairs of New England, which will not appear extraordinary when we acquaint your lordships, that the assembly of Massachusetts-Bay had the boldness to summon Mr. Jeremiah Dunbar before them and to pass a severe censure upon him for having given evidence at the bar of the House of Commons with regard to their trade and manufactures." It was on this occasion that the Commons resolved, in order to vindicate their own power, "that the presuming to call any person to account for evidence given before that House was an audacious proceeding and a high violation of their privileges." Yet they did not reflect, because they acted under the influence of their fancied supremacy, that every resolution must shake real authority, where the object of it cannot be sent to Newgate or the Tower.

CHAPTER II.

MASSACHUSETTS.—Burnet made Governor.—Permanent Salary not voted.—Boston sustains its Delegates.—The Governor convenes the Assembly at Salem.—Petition and Representations to the King.—Judgment of the Privy Council.—Contest respecting the Appointment of Attorney-General.—Insensibility of the Assembly to the Determination of the Privy Council.—The Assembly is adjourned to Cambridge.—Their Firmness.—Burnet's Death and Funeral.—Belcher succeeds Burnet as Governor.—His Inconsistencies of Conduct.—Instructions to him.—His Contest with the Assembly as to Salary.—Their continued Firmness and Success.—The Prosperity of the Colony.—The Legislature maintains the exclusive Right of appropriating as well as of granting Money.—Duplicate of the former Petition forwarded to the King, and laid before Parliament.—Decision of the House of Commons upon it.—The Effect thereof on the Massachusetts Assembly.—Contest about Money for repairing the Fort in Boston Harbor.—Trade.

WHEN Burnet was recalled from New York, in order to make room for Montgomery, a favorite of the new monarch, that able officer was sent to rule Massachusetts, not so much as a favor as a punishment, because he had offended the Board of Trade by printing their proceedings and Horatio Walpole by unsuccessful support. Burnet was directed to execute the feeble powers of his predecessor, Shute; and he was instructed, because the lamented dependence of the chief magistrate threatened to sever the province from the kingdom, to ask the assembly in the king's name for a standing salary of one thousand pounds. In order to add to his authority in force what was thus taken from it in influence, it was proposed at the same time, but never executed, "to send an independent company to take possession of the fort in the harbor of Boston, which

will make the people respect the government, as one had been lately sent to South Carolina for the same purpose." Here was laid a long train of contest, which exploded, as wise men foretold, in the exaltation of the privilege of the delegates over the degraded power of the crown, because the ministers, without attending to the principles of the governed, attempted to gain by threats what had been denied to entreaty.

Burnet made a triumphant entry into Boston, in July, 1728. The hilarity of the moment inspired him with hope, while the pomp of the surrounding cavalcade gave him high ideas of the provincials' abilities. His first speech to the assembly declared the confidence of his expectation, "from the plenty of this great province," at the same time that he recommended the example of the Parliament, who, in establishing the civil list revenue of the king, insured the liberty of the whole. The delegates immediately voted him a present of seventeen hundred pounds "to defray the charge of his journey and towards his support as chief magistrate." But he informed them with regret, that he could not accept of a precarious stipend, no less contrary to his instructions as governor than inconsistent with his independence as a man. They varied their offer of gratuity; professing their readiness to grant an honorable establishment; yet insisting that it would be most for his majesty's service to perform their intention by temporary grant rather than by fixed salary. He instantly replied, that the boasted rights of Englishmen which they claimed could not entitle them to do what was in itself wrong, and though they enjoyed the privilege of granting money for the uses of the public, they ought not to claim it as a chartered privilege to annihilate one branch of the constitution by reducing the king's representative to dependence; and he put them in remem-

brance of what their agent had written them in Lord Carteret's name six years before, "that the assembly ought to beware how they provoked the government to bring their charter before the Parliament, who might probably remove what they found inconvenient." Both parties entered into argumentative details in defence of their pretensions, which brought to a conclusion a tedious session by prorogation, without convincing either. Burnet showed the superiority of his talents without gaining his object. Yet the delegates triumphed in the applauses of their constituents, because they at once saved their money and mortified the great. The object of both parties had long been apparent; the representatives had finally resolved to establish no officers' salaries, in order to preserve their subservience. The ministers perceived in this conduct a diminution of the national authority, since the national laws could not be enforced. By persisting, however, too long in asking what had been often refused, they sacrificed the little influence which their master possessed. At the same time that Burnet informed the Duke of Newcastle of the transactions of the assembly and their spirit, he suggested, in October, 1728, "that a resolution of the Parliament should be obtained, in order to convince the people that their daring attempts on the king's prerogative will not be countenanced there, as they pretend to hope."

Remarkable for turbulence, because they had derived what was proverbially regarded "as a levelling principle" from the original settlers, the inhabitants of Boston instantly determined the appeal which had been made to them with regard to the recent conduct of their representatives. At a general meeting, they gave their judgment against the settlement of salary, which confirmed the steady and strengthened the weaker. Burnet

felt the force of this vigorous measure, because he perceived how much it would influence other towns, and he endeavored to punish "unnecessary forwardness" by convening the assembly at Salem, since he could not prevent its effects. He instantly discovered, that change of place, far from altering the sentiments of men, only enlarged the field of controversy. Relying on the form of the writ of election, the delegates insisted, contrary to the terms of the explanatory charter, that they could only be constitutionally called at Boston. They asked to be adjourned thither without success. In vain they endeavored to interest the council in their cause, who, while they disapproved of their reasons, perhaps of their vehemence, urged them to acquiesce in a situation that opposition could not alter. As argument had been already exhausted, they for two months met and adjourned without granting the object of Burnet's expectations. And they determined to transmit a petition to the king, partly against his governor, but more against his instructions. Burnet now discovered, that he who engages in contest with a popular convention must himself be free from blame. Having attempted by improper arts to stop the course of the law which established the wages of assembly-men, having imposed fees on the clearances of shipping without authority, he was obliged to plead the right of retaliation. Yet he easily censured the representation to the king, because it contained declamations that had often been repeated and requests which had already been denied. And he gave warning to the Board of Trade, in January, 1729, "that he despaired of getting a salary fixed till a censure of the Commons is passed on the proceedings of the assembly, who value themselves on the feebleness of the administration; and since the king has threatened them with the consideration of

Parliament, they will be insufferably arrogant, if their conduct is not resented."

The governor and the delegates were heard by the Privy Council, in May, 1729. Every thing was thrown out of the debate except the settling of a fixed establishment, because every other point was relinquished as indefensible. Fazakerley and Sayer were reduced to the necessity of pleading what only strengthened predetermined resolutions, that the chief magistrate and every officer ought to be retained in dependence on the delegates. Those eminent lawyers having thus avowed the designs of their constituents, the judgment of the Privy Council was probably formed from a knowledge of the innate principles of the people and of their uniformity of purpose, rather than from recent controversy or formal pleadings. Of Burnet's steady adherence to his instructions, notwithstanding the temptations of the assembly, they highly approved. As the dangerous as well as unconstitutional design of the representatives was avowed, they determined that this circumstance "tends necessarily to weaken the dependence of the colony on the crown." And, considering how little attention had been shown to the king's recommendation, they advised, "that this whole matter be laid before the Parliament." From the public letter, which on this memorable occasion the Duke of Newcastle wrote to Burnet, in June, 1729, it should seem that the ministers had adopted the sincere resolution of laying the affairs of Massachusetts before the supreme legislature, since "the main drift of the assembly plainly appears to be to throw off their dependency on the crown." While common observers, however, thought they saw them making busy preparations for a measure no less just than wise, they were only looking for an expedient, because "they wished that extremity might be avoided." That

nobleman privately instructed Burnet at the same time to recede from his former demands of a standing salary for all governors, and to ask, "as if coming from himself," for an allowance during his own government. The statesmen of that day seem to have acted like that class of credulous birds which fancy themselves concealed while they only shut their own eyes. The agents, having penetrated the thin covering that had been thrown over irresolution, gave notice to the representatives of the fate of their application; of the improbability that late threatenings would be carried into practice; of the reasons they had to believe, that, should their conduct be brought before the Parliament, they would be supported by all the friends to freedom. And these representations obtained full credit, because men easily approve of what flatters their judgment.

Meanwhile the governor and his opponents continued their contests either to preserve or to acquire political power, since their defective constitution furnished daily opportunities. Whether the appointment of the attorney-general belonged to the king's representative or to the assembly, animated debate at a time that subjects for dissension were sought for. Till the removal of Dudley, that officer had been nominated by the chief magistrate, because the charter gave the governor "the choice of officers belonging to the courts of justice." Taler, the lieutenant-governor, having permitted, in 1726, the assembly to exercise his powers, they continued their usurpation of practice till Burnet reclaimed his right. And when the council refused to support their pretensions, the delegates requested the grand juries to pay no regard to the bills presented them by an attorney-general, whose authority was unconstitutional, as it wanted their concurrence. From the imbecility of Shute, the representatives had wrested a

power of great importance, because it served to absorb all others; the privilege of supplying the treasury by vote, and not by act of assembly as the charter prescribed. But with a laudable spirit Burnet now declared that he would agree to no mode of supply, but such as was practised before the year 1721; thus bequeathing to his successors the same contests that the inattention of former governors, the encroaching temper of the delegates, and the inattention of ministers had transmitted to him.

When the determination of the Privy Council with regard to the appointment of salary and the letters of the agents were laid before the assembly, in July, 1729, "they showed the utmost insensibility, and seemed to acquiesce in the advice to stand it out in Parliament." While the irresolute spirit of the ministers inspired them with confidence, Burnet exerted his feeble arts to little purpose. Having found the representatives as firm at Salem as they had been at Boston, because artifice had confirmed resolution, the governor adjourned them to Cambridge. Former argument now degenerated into personal altercation. They complained, with reason, that the governor endeavored to compel them by fatigue, if not by force, to consent to measures which their judgment did not approve. And they transmitted to their agents accumulated charges, in order by recriminations to lead the attention of English statesmen from the chief object in view. Yet, in July, 1729, Burnet assured the Board of Trade, "that he knew nothing they could justly complain of, or that should make them decline to settle a salary during his time but their principles of independency, which are too deeply rooted to be managed by any thing but the legislature of Great Britain." Animated by self-complacency, he did not reflect that it was equally uncon-

stitutional and contrary to principle to constrain the assembly either by threats of parliamentary animadversion, or by the inconvenience of frequent adjournment, to depart from their settled purpose, as it was in them to force a governor to sacrifice his trust to his necessities. Since it was apparent that the representatives were immovably fixed in their resolution to grant no standing salary, the ministers should have withdrawn the obnoxious instruction, or at least adopted more prudent means to gain their ends. By continuing to make use of the king's name after they were repeatedly told "that the king's recommendation was little regarded," they nearly destroyed the inconsiderable influence that had descended from his father to him. And Dunbar, the lieutenant-governor of New Hampshire, informed the Board of Trade, in December, 1729; "The obstinacy of the people for so many years has so hardened them, that they are now firmly of opinion that if the legislature at home could have touched their character, so many letters would not have been sent from court."

In September, 1729, Burnet yielded to the ravages of a malady, which consigns many a mortal to his place of rest. When he saw that his family must fall a sacrifice, either to the tedious irresolution of one set of men or to the pertinacious obstinacy of another, his heart sunk within him. And he was pompously buried at the public expense, while the assembly denied to the orphans what was justly due to the father. Let us drop a tear over the grave of a deserving man, who, had his lot been more happily cast, possessed talents for government, that would have made any people happy, since his faults belonged not to his disposition but to accident. The death of Burnet furnished ministers, who insulted his memory, with a new expedient, which, being familiar

in England, seemed to offer itself, which, being suitable to the genius of the weak, was constantly practised by the Duke of Newcastle. Belcher, a native of Massachusetts, of the provincial religion, who had been chairman of the town meeting at Boston, that had given a pattern of opposition to the province; who had strenuously acted as agent in defending the delegates' "undutiful conduct," was appointed his successor, though he had been the most active instrument in raising the storm in which his predecessor perished. When the Board of Trade sat down to frame the new ruler's instructions, they thought they perceived that recent disputes having become merely personal, the assembly might possibly grant to the influence of Belcher what they had denied to the severity of Burnet. They proposed, as a modification of the former instruction, what Wilks the agent promised to transmit, that an act should be passed establishing a standing salary of one thousand pounds, to be paid first out of the annual grants. And they relied on the flattering promises of Belcher rather than the experienced assurances of Dummer, the lieutenant-governor, who, having tried the temper of the assembly, subsequent to the death of Burnet, wrote them in September, 1729; "I cannot see the least prospect of having the matter done here."

The new commander published his commission in August, 1730, amidst the acclamations of his countrymen, who each expected peculiar gratification from his native prejudices. Every one's eyes were fixed on the meeting of the assembly in September; in order to see how the same man who had strenuously opposed the royal instructions would now, when in power, carry them into execution. He endeavored by his first speech to gain the delegates to his odious purpose, partly by flat-

tery and partly by threats. Having put them in remembrance of his own services, he painted in strong colors the prodigious expense and even danger of their late struggles, which had provoked the ministers to submit to Parliament the assembly's ungracious proceedings, had not the lenity of the king given them another opportunity of demonstrating their attachment, by a ready compliance with the royal intention. Yet they now made to him the same tenders of gratuity as they had offered to Burnet, which they justified by arguments that had been already answered. Conferences were held with regard to this important business between the council and the delegates, which seem to have at length produced a bill granting to Belcher one thousand pounds, with a promise to allow the same sum during every session. Though this modification could only amount to an annual grant, the governor boasted, "that he had carried an obstinate people one step further than they had ever gone before." Yet, in order to terrify those whom he could not mollify and to give a proof that he had endeavored to perform what he had promised in England, he dissolved the assembly, in December, 1730. And he made a merit of resisting temptations with his predecessor's firmness, in order to lay the train of a solicitation for a departure from unsuccessful requisitions.

He attempted to gain a majority of the new delegates by those arts which sometimes procure a temporary object but seldom answer any permanent purpose. In renewing all civil commissions, he ejected real friends in order to gain his assured enemies. But his imprudence only raised up new opponents, who traversed his designs with a spirit imbibed by a sense of injury. Rumors of conspiracy and civil war in Britain were spread among the multitude, which they

believed with their wonted spirit, because they were incredible. The provincials were taught lessons of perseverance by the effusions of the press in England, which were reprinted at Boston, by assuring them "how much their noble stand against the unconstitutional demands of Burnet had endeared them to all lovers and assertors of liberty in Britain." And a kind of coalition between the factions of the kingdom and the colony then began to influence the public proceedings of both. The assembly of March, 1731, proved as little propitious to the hopes of a rapacious ruler as the former. No persuasion could induce them to pass a law for the preservation of the royal woods, since the acts of Parliament were derided "by an ungovernable people, who will never behave as English subjects till the country is placed under a different form of government." And Belcher, in the height of his chagrin, assured the Duke of Newcastle, in April, 1731, "that the representatives are daily encroaching on the little power reserved to the crown by the charter, of which they have too much already, unless they use it with more good manners to the king and more benefit to the country."

Having thus failed in every attempt to fulfil his imprudent promises, the governor now used his utmost influence to persuade the ministers to depart from the rigor of his instructions by allowing him to receive his support from the delegates in the mode proposed by themselves. And it now appeared that the continued perseverance of the one party had conquered the undecided purpose of the other. In August, 1731, his requests were granted, because, while the Board of Trade "could not but reflect with concern on the obstinacy of the assembly in refusing a standing salary, they thought it hard that the governor should have none." Yet they

had been already assured, in October, 1730, "that every concession was attributed to fear by a people, who were as ripe for rebellion now as their ancestors had been in 1641." From that epoch of degradation, Belcher put the delegates in remembrance of his wants and of his instruction during every session, which were answered by a temporary grant, that in the same manner he was allowed to receive till this obnoxious order was at length finally withdrawn. The statesmen of that day seem not to have sufficiently reflected how much the king's name had been prostituted by an improper use of it; how much the royal influence was weakened by exposing it to constant denial; how much the national authority was lessened by the repetition of unsuccessful expedients.

Meanwhile the colony prospered in a commerce as considerable as it was irregular; in the extension of settlement and the efforts of manufacture. But extravagant enterprise, while it ultimately promoted an increase of opulence and of power, only brought with it present embarrassments and ultimate altercation. And every one demanded an augmentation of bills of credit, which it was supposed could alone supply a defective circulation; which, however, were opposed by a royal instruction, dictated by the inconvenience of former depreciations. As Belcher adhered now with unusual firmness to his orders the representatives revived a claim, however contrary to the charter, which had been formerly relinquished as insupportable. They insisted on the exclusive right, not only of granting but of disposing of money. And they applied to the king, in May, 1731, to withdraw instructions which were so contrary to their views, however consistent with the interest of the province. But the Board of Trade expressed their surprise that they should persist, after a

solemn determination, in their pernicious projects; giving warning, in language which was intended to convey more than it expressed, "that, if any accident should happen by their withholding supplies, the assembly must be answerable."

When the delegates heard that a reasonable request had been unjustly denied, they determined with their accustomed spirit to obtain by a species of force what had been refused to their prayers. Attentive observers of their conduct remarked, "that his majesty's clemency to the people of Massachusetts hath taken a very extraordinary turn; who now seem encouraged to wrest the admiralty court out of the king's hands, as appears by the insults made to his officers." The representatives appear to have adopted a policy which had been long familiar to every assembly; to grant no money unless they were allowed to give it according to their own mode. They at length derided every royal recommendation; since "they seemed to have an aversion to the king's instructions." In December, 1732, nineteen months' pay was due to the officers and soldiers of the garrisons who guarded the frontier, and threatened to abandon their charge, since they were unable to subsist. The judges and every civil servant of the public were reduced to the same sad distress. Yet the governor, with a commendable spirit, adhered to instructions, which he thought consistent with the charter and with true policy. He opposed the issuing of paper bills, since he deemed them contrary to the real interest of the people; and he resisted the claims of the delegates to the ordinary disposal of money, as he perceived, "that, in their struggle for power, their ultimate design could only be to assume the whole executive authority as well as the legislative." In December, 1732, they "took a very extraordinary step;" they sent a duplicate

of their former address to the king, with directions to their agents, that, in case he should again deny their requests, to present their petition to the Commons. In this signal transaction the counsellors concurred, because "they were afraid of the next election." Yet they denied their consent to the appointment of a committee to act during the recess, which had amounted to a seizure of the government. And while, to the Board of Trade, Belcher communicated events that had arisen by a natural process out of the preceding conduct of all parties, he asserted, "that, had they sat a few days longer, the representatives would have voted the council an useless part of the legislature; and matters are hastening to such a crisis, that the government cannot subsist if it is not vigorously maintained." These reflections were not made by Belcher alone, nor were the necessary tendency of recent events or their causes pointed out only by actors in the turbulent scene. Cosby wrote the Duke of Newcastle from New York, in January, 1732-3, "that the extraordinary behavior of the Boston people has not proceeded immediately from themselves but as they are spirited up by that faction at home."

Having received every information with regard to late transactions and to the spirit which gave them existence, the Privy Council deliberated on the late address, in May, 1733. As the causes still existed which had dictated the instruction in 1727, not so much against the use of paper currency as the abuse of it, they thought good policy required that it should be still continued. The attorney and solicitor general having given it as their opinion, that the royal instruction as to the mode of issuing money was conformable to the charter, they resolved that it ought to be supported, since the agents themselves had formerly admitted that

the pretensions of their constituents could not be defended. And they declared, in the language of conviction, "that the late conduct of the assembly shows their design is to assume the executive powers of government and to throw off their dependency on Britain." Animated by disappointment rather than by prudence, the agents appealed from the decision of prerogative to the judgment of Parliament. They stated to the Commons the difficulties the province labored under from a royal instruction; and prayed "that they would become intercessors with his majesty to withdraw the royal orders, as contrary to their charter and as tending in their nature to distress if not to ruin them." In May, 1733, the Commons resolved, after some debate, "that the complaint is frivolous and groundless, an high insult upon his majesty's government, and tending to shake off the dependency of the colony upon this kingdom, to which by law and right they ought to be subject." While the Board of Trade not long after congratulated Belcher on the approbation which his conduct had received, they "hoped that the determination of the king and of the Commons, as to the late extraordinary remonstrance, will bring the people to a due sense of their circumstances. And, as the Parliament may think it necessary to interpose, should the assembly make no provision for the defence of the province, they desired to know what duties may be laid in New England with the least burden to the people."

Thus the same causes produced similar effects in Massachusetts during the present reign as they had formerly brought forth in New York during that of Anne. In both, the conduct of the assemblies were the same, proposing to themselves the present degradation of national government and the ultimate triumph of provincial independence. The tory servants of the

queen threatened the refractory colonists with parliamentary inquiry and taxation; the whiggish ministers of George the Second followed their example. And the feeble policy of both was productive of similar consequences; gaining temporary acquiescence without removing the root of evil; which in due season put forth more vigorous shoots, when watered by opportunity and freed from obstruction.

Nevertheless, the apparent firmness of the ministers, the decisive resolutions of the Commons, the feeble efforts of the men whose parliamentary patronage they had been taught to expect, seem to have stunned the factions of the colony without depriving them of the power of revival. Having assumed a more dutiful appearance, the delegates showed a disposition "to allow affairs to run in their usual channel." They paid off the debts of the province, including what was due to the orphans of Burnet; they supplied the treasury in the mode pointed out by the charter; they repaired the fortifications on the frontiers; and, with an unusual spirit of loyalty, they sent an address of compliment to the king on the marriage of the royal children, because they now asked for favors. But, with their ancient policy, they retained the governor and every officer in the most wretched dependence. And in August, 1735, the Board of Trade recommended "to give a general license to Belcher to pass an annual bill for such an allowance as the assembly might think proper to grant, though it would be better policy were the king to establish a standing salary out of the revenue of the colonies." That part of the advice which was in itself bad was adopted; that part which was absolutely good was rejected. Thus the ministers finally relinquished the measure which, at the appointment of Burnet, in 1728, had been regarded as an

adequate remedy for every political evil, leaving the representatives, after a seven years' contest, in possession of the applause that their superior address and vigor merited.

Success generally inspires confidence, and confidence never fails to incite desires of self-rule. The recent weakness of the cabinet, in not daring to execute the threat of imposing by Parliament a revenue for the payment of the civil establishment, only urged the attempts of party. As the rumor of war made it necessary to think of self-defence, Belcher recommended to the delegates the ruinous state of the fortifications of Boston. For the purpose of reparation they granted, in May, 1740, six thousand pounds; but, contrary to the former instruction and the resolution of the Commons, they ordered the money to be placed in the speaker's hands, who, with a committee of members and the governor, was empowered to perform the reparation. Belcher refused his consent, because he felt the mortification of being degraded from the preëminence which the charter conferred. They declined with their former perseverance to supply the treasury, since they were not allowed to assume military power, by performing that important service in a mode disallowed by the royal instruction. And the altercations and dissolution that soon after ensued convinced attentive observers that his political end was at hand. Belcher informed the Board of Trade, in January, 1740-1, of what they were already convinced, without the power of prevention or remedy, "that what the House of Representatives aim at is, to put the government under the direction of a committee of their own." Thus ended the ministerial project of appointing a native of the province, an Independent in his religion, a factious agent, as governor of a republican province at a time that the pulse of independence beat high.

During the foregoing period of degradation, while the authority of the nation, the king, and the laws had been sacrificed to mistaken policy, the principles of the people no less than opportunity introduced every species of internal irregularity and of illicit traffic. The merchants daily sent the productions of the colonies to France, to Holland, and to Spain; and thence re-imported in return the various manufactures of each. To the Board of Trade it was represented, "that the persons concerned in this commerce are many, some of them men of the greatest fortunes; who, having all felt the effects of it, begin to justify it, and, having persuaded themselves that their trade ought not to be bound by the laws of Great Britain, they labor successfully to poison the minds of the inhabitants; and matters are brought to such a pass, that it is sufficient, to recommend any project to the general approbation, that it is unlawful." While Bollan, the advocate-general, who constantly wore a coat of French cloth as a standing proof of common practices, gave those informations, he remarked, in February, 1742, "that if effectual measures be not speedily taken to stop this growing mischief, the British commerce to these plantations and their proper dependence will in a great measure ere long be lost, and the illicit traders will by their wealth and wiles have got such power in these parts, that laws and orders may come too late to have any real effect." The event has now determined with regard to the justness of these representations and to the national impolicy of disregarding them.

CHAPTER III.

NEW YORK. — Montgomery is appointed Governor. — His condescending Policy. — Differences between the Governor and Council. — Despatches to the Ministry. — Acts of the Ministry. — New York favored. — Death of Montgomery. — Movements in consequence of the erection of a Fort by the French at Crown Point. — Cosby's Administration. — His Removal of Chief Justice Morris and others from Office. — Zenger and his Printing Press. — Cosby's Death. — Contest for the Administration, between Clarke, as oldest Counsellor, and Van Dam. — Administration of Clarke as Lieutenant-Governor. — His Difficulties with the Assembly. — Prosperity of the Colony.

By a long course of encroachments on the side of the delegates and of expedients on the part of the ministers, the provincial constitution of New York had been reduced, before the commencement of the present reign, to the weakest state of debility. Wise men had pointed out to the successive rulers of England the true causes of events, the designs of parties, and the probable result, without gaining a single effort to procrastinate for one hour the evil day of independence. And during this state of imbecility, Montgomery, a man destitute of vigor of mind or activity of body, assumed the administration, in May, 1728; having gained his elevation from the favor of the new sovereign, because his services had been approved as a gentleman of the bed-chamber.

The governor adopted that sort of policy, which, if it did not tend to give energy to an unbraced system, at least seemed to promote his own ease. He determined to gratify the delegates in all things, and he insinuated, if he did not promise, that his inclination to please should be the constant rule of his administration. In-

cited by all these motives, they granted, in August, 1728, a five years' revenue for the support of the civil establishment; but they carefully apportioned the salaries of the governor, of the judges, and of every officer. When they considered the late conduct of the counselors, in representing their exorbitances to the king, they convinced them by the haughtiness of resolution, that themselves were the only important persons in the province. In vain the council put Montgomery in remembrance, "that they perceived the force of popularity daily increasing, and therefore cannot but be apprehensive of what height it may reach to, when the representatives, since your arrival, boldly claim a privilege, which can only belong to the supreme authority, of not being accountable for any thing they do." The governor determined in favor of those who could grant or refuse supplies. Contrary to his instruction, he declined to hold a chancery court, as the delegates had declared its jurisdiction illegal without their consent. He issued warrants for the salary of every officer, in the exact proportion voted by them; deducting one sixth from that of the chief justice, because, while they pleaded the poverty of a flourishing province, they intended to show how much they resented the boldness and ability with which he had defended the laws. The counselors felt themselves degraded, all except the younger Morris, who protested against the governor's conduct, because he thought the constitution invaded by the insult offered to his father. Though the official despatches of Montgomery were framed with design to conceal the real state of the province, because it reflected on himself, the ministers were furnished by other hands with the most exact details. Bradley, the attorney-general, remarked, in November, 1729, "that most of the previous and open steps that a dependent province can

take to render themselves independent are taken by the assembly of New York, at a time that other neighboring colonies show a strong inclination to seize the earliest opportunity of setting up for themselves.

Urged by these representations, the ministers reviewed with unusual care the legislative conduct of the assembly. They repealed an act for preventing informations by the attorney-general, as a high encroachment on the royal prerogative. They dissented to an act laying duties on English manufactures, since it had been passed by the governor contrary to his instructions, in the face of an act of Parliament. Yet they determined to grant to New York the commercial favor which the assembly had asked, since it was thought that they had as good right to be indulged with a direct importation of salt as either New England or Pennsylvania. The Parliament not long after permitted what was thus declared to be equitable, without reflecting that it was equally just to grant the same indulgence to the colonies of the south, which were more profitable to the nation than either of those and less disobedient to her laws.

Montgomery did not live to feel the mortification of reproof. While Van Dam, as president of the council, occupied his predecessor's seat, he adopted his inconsiderate policy. And his administration was peaceful, because he practised similar arts of condescension. During the deliberations of the assembly of September, 1731, how they should strengthen the trading-house at Oswego, they were alarmed with intelligence that the French were erecting a fort at Crown Point, on the most southern extremity of Lake Champlain, which commanded the entrance into Canada. Roused by sense of danger, they resolved, "that if this encroachment is not prevented, it will prove of the most per-

nicious consequence to this and other colonies." They sent notice to Pennsylvania, to Connecticut, and to Massachusetts, as all equally endangered. But it was to England they applied for relief, because, thinking themselves needy and weak, they really were poor and feeble. The Board of Trade, with their usual attention and energy, renewed, in April, 1732, their representations to the Duke of Newcastle with regard to the continued encroachments of France on the province of New York. They stated that the erection of Crown Point was a manifest breach of treaties, since it was built within the country of the Six Nations, who had been acknowledged by the peace of Utrecht the subjects of Britain. And they urged him, by every topic that could animate a British statesman, to insist that a fort should be instantly demolished, which would otherwise offer a standing insult to the sovereignty of the nation. The Canadians, having only invaded a distant frontier of the empire, the ministers were too peaceful to disturb the repose of others, since the French, by landing in the kingdom, had not turned the terrors of the people against the timidity of their rulers. Unchecked in their recent advance, that active people pushed their settlements further southward on the road to Albany, converting Crown Point in after-times to a station from which they erected Ticonderoga, a still more formidable barrier.

Cosby began his violent administration in September, 1732, by commencing an ignoble contest with Van Dam as to the perquisites of office. In choosing Clarke and De Lancey for his favorites, he quarrelled with the men of the greatest abilities, with Morris and Alexander, Colden and Smith; without reflecting that real talents every where command real respect, and that the

greatest ministers must pay a regard even to the eccentricities of genius.

When Cosby convened the assembly, in order to obtain a continuance of the revenue, he discovered "that the example of the Boston people began to influence the delegates; to manage whom he found it more difficult than he could have imagined." By the intrigues of De Lancey and Clarke, however, he obtained the object of his wishes, after a considerable struggle. The merchants of Bristol complained of the tax laid upon the importation of negroes for the five years' support of the government; because in the gratification of the governor they felt an injury done to themselves. Cosby only copied the example of his predecessors when he directed the deliberations of the counsellors in the making of laws, however inconsistent with his commission, which gave him a negative as one branch of the local legislature. Willes and Ryder, the attorney and solicitor general, exploded this practice, as no less contrary to the analogy of the British constitution than inconsistent with the independence which the counsellors derived from his instruction. And the Board of Trade sent him, with this opinion, much salutary reproof and useful information, as rules for his future conduct.

Irritated by the opposition of the son and the neglects of the father, Cosby removed Morris, the chief justice, from his important office, on the most frivolous pretexts, without considering how much he weakened the authority of government when he struck at the impartiality of the law. Upon hearing the accusations and arguments of both sides, the Privy Council determined, "that the governor's reasons for removing him were insufficient." Yet Morris begged the Duke of Newcastle, without success, to restore him to his sta-

tion, "since the displacing of a judge, for insufficient reasons, differed not from displacing him without a reason." And the triumph of innocence over the irregularity of a favorite, far from recommending to attention, did not obtain in those days an act of common justice. Cosby at the same time displaced, with as little cause, Alexander and other counsellors, without reflecting that, while government wanted their support, he destroyed their usefulness. These irregular proceedings he justified to the Board of Trade, by remarking, "that it was necessary to insist on the king's prerogative, at a time when his authority is so avowedly opposed at Boston, and proper to make examples of men, in order to deter others from being advocates for the Boston principles." But his views were narrow, and his aims proved unsuccessful in proportion. Having drawn upon himself the enmity of wit and learning, it was his own misconduct which erected Zenger's printing press, in 1733. From this formidable engine of opposition the minds of the colonists were enlightened and inflamed. They were taught that, since the governor had voted as a counsellor, the laws were invalid and the taxes illegal. And the rage of the people was turned, not only against the counsellors, who supported laws which ought to be disobeyed and taxes that ought to be denied, but against their own representatives as the worst of their oppressors. The acquittal of Zenger at length unchained every printing press in the colonies, which the jealousy of prerogative had hitherto held in thralldom. And his triumph gave spirit to the effusions of the press, which will be found to have had no inconsiderable efficacy in disseminating discontent, in opening distant prospects, and in urging ultimate revolt.

The death of Cosby, in March, 1736-7, introduced a

singular scene of turmoil, from which wise men expected insurrection, as the minds of the multitude had been designedly prepared. Clarke assumed the administration as oldest counsellor, since Van Dam had been suspended four months before. By nature weak, and bowed down with age, this man seemed finely calculated for the instrument of party. Alexander and Smith degraded their profession when they advised him, that a suspended counsellor could perform any act of government while the suspension, however improper, continued in force. Yet, animated by the applauses of the vulgar, who brought him their zealous support because he was wrong, he formally claimed the conduct of affairs, protesting against the proceedings of Clarke, who resolved by prudence and moderation to reclaim a degenerate populace. As two persons pretended to rule, the delegates rather determined in favor of the displaced president, by refusing to act with his opponents, proud that their judgment had been appealed to in a point which the king could only decide. Urged by his partisans, who had now obtained a sort of determination in his favor, Van Dam appointed magistrates for New York and Albany, as if constitutional authority had flowed to him through the purest channel. Clarke in the same manner appointed officers, giving formal warning to all how they obeyed his adversary, "who had presumptuously usurped the government." But to so high a pitch of enthusiasm were the minds of men wound up, that it was a dread of the two companies of soldiers, who formed the garrison of New York, that prevented actual insurrection. The unconcerned few remarked with regret, "that it was to a standing army alone, small as it was, they owed their own liberty and the province its peace," since the forms of law had been trampled down by the weight of party, amid the

madness of the times. A royal instruction which was addressed to Clarke, because no other president was known in England, at length decided this degrading controversy. And men now yielded obedience to the officer whom a few days before they were ready to depose, because unprovoked passion easily yields to legal authority. While Clarke congratulated the Duke of Newcastle on the happy arrival of his orders, since both parties stood ready to appeal to force, he suggested, without gaining attention, "that since treason had been committed, examples should be made."

The conduct of Clarke, patient, firm, and moderate, insured him that success, which similar virtues must ever give to other rulers amidst similar difficulties. Having shown himself thus worthy of trust, he was not long after appointed lieutenant-governor. And he soon found cause to complain, "that the late unhappy government had soured the minds of the people." They submitted with great impatience to the unlimited continuance of the assembly, as they still wished to be placed on the flattering foundation of the proprietary system. The assembly of 1737 were altogether animated by the sentiments of their constituents. Having determined to subject every officer to their management, they adopted the most effectual means to acquire their aggrandizing end. Having already, by seizing every occasion, gained the sole disposal of money, they now carefully reviewed the civil establishment; resolving which of the officers they would annually pay, and which of them they thought proper to reject. And a traffic between the governor and the delegates was the necessary result, no less unworthy of the legislative character than degrading to the national authority. The contracting parties bartered laws for money. They granted him a petty sum for one year's mainte-

nance; and he not only gave his approbation to a bill for shortening the continuance of assemblies, but promised his interest to obtain the royal assent. The Board of Trade, notwithstanding his pressing instances, disapproved of the triennial bill, because they deemed it an infringement of the king's prerogative.

Want of success seldom adds any thing to influence. When the vigorous attention of the Board of Trade had disappointed universal expectation, it became the general cry of the provincials, because they thought it essential to their safety to shorten the duration of assemblies, to grant no support to government for a longer term than a year. At a time when, "unless a governor had an advantage over these people he found it difficult to bring them to reason or their duty," Clarke congratulated himself "that he had a staff in his hand by which he hoped to compel the delegates to grant a revenue." But they soon convinced him that his hopes were vain. They resolved, in October, 1738, that they would not maintain him or his officers unless he delivered up "his staff." And he dissolved them, when he found that they intended to tack to their money several laws which his instructions and his design did not permit him to pass. In the mean time the province prospered, notwithstanding political contests, that only gave energy to the enterprise of the people, whose minds they elevated. Their numbers were considerably augmented at the same time that the governor and delegates, with the spirit natural to man, complained of depopulation. They added considerably to the stock of universal opulence in proportion as they deplored universal poverty; and while they lamented the decay of trade they extended their commerce, though not always by the most lawful means. Clarke gave warning to the Board of Trade, in December, 1739, "that if some

method be not fallen upon whereby illicit traffic may be better prevented, I doubt it will be to little purpose to bring any cause before a jury, and the officers of the customs will be discouraged from exerting themselves in discharge of their duty, as unlawful traders are by much too many."

CHAPTER IV.

NEW JERSEY. — Effects of its Union with New York. — Feelings upon the Accession of George the Second. — Montgomery's Administration. — Morris, as President of the Council, assumes the Government. — Cosby Governor of New York and New Jersey. — Contest between Hamilton and Morris. — Petitions for a separate Government granted. — Morris at the Head of Affairs. — Population and Trade. — Proceedings of the Assembly. — The Council acts without the Governor's Presence. — Measures for Support of Government. — Contest between the Council and the Delegates, who claim the Right of appropriating the Money. — Assembly dissolved.

WHILE the affairs of the provinces of New Jersey and of New York were directed by the same hand, New Jersey felt the sad influence of the imbecility or the violence of the successive rulers of both. The agitations of the late reign, proceeding partly from the settled faction of the colonists, and partly from the wretched dependence of their rulers, had not subsided into quietude at the commencement of the present. Though the planters congratulated the king on his accession, they were not pleased, because they wished for a separate governor, since this circumstance seemed to flatter them with independence. And Burnet lamented, in July, 1728, "that there had been more contests during the last session of the assembly than had ever happened before, though the counsellors endeavored, without success, to moderate the violence of the delegates."

Montgomery introduced here the same arts of condescension that had contributed to his own repose in New York. By "giving way to the representatives in all things," he procured an annual stipend and carried

forward the usual affairs; sacrificing to the people's gratification the royal instructions, the policy of the Board of Trade, and the national laws.

When Montgomery could no longer hear the Board's reproof "for his remissness of correspondence," Morris, as president of the council, assumed the enfeebled command. He attempted to infuse vigor into every department, though with no great success, notwithstanding the superiority of his talents. And he found reason to remark to the Duke of Newcastle, in June, 1732, "that the rendering governors and all other officers entirely dependent on the people is the general inclination of the plantations, and is nowhere pursued with more steadiness and less decency than in New Jersey."

Though the assembly had transmitted petitions to the king through the friendly hands of Montgomery and Morris, asking for a separate governor, Cosby was appointed ruler of New York and New Jersey, in May, 1732. Individuals felt the same vehemence of temper here which had embittered New York, while the assembly purchased his assent to laws and his interest with the minister, in order to insure the royal approbation. When death freed the colonies from misrule, Anderson, the president of the council, occupied his place without copying his manner. In March, 1736, Hamilton succeeded by the same title; whose quiet, however, was soon disturbed by the appearance of a potent competitor. Having been chased away by the enmity of Cosby, Morris now returned to claim his right to the administration as president of the council, because he had never been regularly suspended and had only been obliged to give way to a force that he could not resist. A warm contest ensued, in which both made their appeal to the people, and both threatened to support

their pretensions by force. But Hamilton justly retained possession of a government weakened by contentions, which left the governed in uncertainty whom to obey. And his conduct was approved, though no means were used to prevent the return of similar distraction and similar degradation.

Meanwhile incessant applications had been made to the ministers for a distinct governor by zealous agents, who pleaded, that, from the increased populousness and wealth of the provincials, they were able to maintain a separate government, and from inclination no less than gratitude, they would be willing to grant a standing revenue for the support of a civil establishment. But it was the present anarchy, rather than assurances, which they foresaw would not be fulfilled, that induced the Board of Trade to declare in favor of a measure, the good consequences of which were apparent. It was not, however, till January, 1737-8, that Morris was appointed supreme commander, a man endowed by nature with a vigorous understanding, which had been improved by forty years' experience; who derived considerable merit from his former services, and from his late expulsion from the office of chief justice of New York. He found the Jerseys to be now inhabited by forty-three thousand three hundred and eighty-eight white persons, who enjoyed the services of three thousand nine hundred slaves. Their commerce of grain, of provisions, and of lumber had been hitherto exported through the channels of New York and Philadelphia. But in the joy of the moment they proposed to open a direct trade with England, which seems to have been never carried into practice, since nature, as well as powerful rivals, have opposed their efforts.

Nothing could be more prudent than Morris's declaration when he published his commission, "that he came

as a stranger, without resentments." From the universal rejoicings occasioned by this flattering event, every thing was expected from an assembly chosen by a happy people; moderation, gratitude, and the wisest efforts of legislation. The governor endeavored to enforce these duties by a speech full of useful advice and important remarks. They acknowledged, in return, their happiness in being ruled by him who was the best informed in their affairs, and they engaged to support an administration which promised them every blessing of society. The session of October, 1738, is the epoch when the counsellors assumed their proper station in the constitution, by acting as a distinct member of the legislature, without the governor's presence or direction, which had hitherto degraded their persons and destroyed their usefulness. Many resolutions were now passed which new circumstances required, which do honor to their good sense and genuine patriotism. The delegates, however, "with much ado, were prevailed on to grant a three years' support for government." With the settled purpose of making every officer subservient, they carefully apportioned the amount of every salary. To the chief magistrate they allowed five hundred and fifty pounds, remarking, while they conferred what did not gratify, "that the smallness of allowance was intended for his good, as a considerable revenue might induce men of greater interest to covet his place." The caution of the counsellors to avoid occasion to forward jealousy did not prevent the heats of controversy. Far from admitting them to amend money bills, the delegates would not allow them the privilege of conference with regard to the settlement of salary. Yet the dispute was not so much with regard to the raising of taxes as to the proper application of money which a standing law had already collected. Morris was too intelligent not

to see "the dangerous tendency of this new pretension;" and he dissolved a body of representatives, "who had not come up, in one single point, to their promises." He remarked to the Board of Trade, "that the true reason of the conduct of this and other assemblies may be found in the declarations of a member, who, though a weaver by trade, was a maker of laws." This man, in haranguing his partisans on the subject of government and its officers, exclaimed, "Let us keep the dogs poor and we'll make them do as we please." While Morris laid before the ministers of England, in May, 1739, a state of the disordered affairs of Jersey, he assured them, from his long experience, "that he could not see how it can be otherwise, unless his majesty will condescend to apply to Parliament with regard to his plantations, most of the inhabitants of which this way have the same dispositions."

CHAPTER V.

PENNSYLVANIA. — Administration of Gordon. — Population. — Commerce. — Causes of Prosperity. — Acts of the Legislature not regularly laid before the King.

WHEN the aged Gordon superseded the faithless Keith, during the year 1726, he adopted a policy suitable to the caution of his years and the imbecility of his mind. He readily accepted a petty stipend, annual and precarious; in return he allowed, willingly, the delegates to rule. And in the absence of contest few events could arise during the eleven years that he presided over the province of Pennsylvania rather than governed it. He corresponded little with the Board of Trade, and transmitted few of the acts of assembly, which were sometimes contradictory to the laws of England and often inconsistent with her commercial policy. While the Pennsylvanians endeavored thus to envelope their affairs in concealment, they committed a fresh attack on the jurisdiction of the admiralty, whose exertions, indeed, were not always prudent, because the vigor of its decrees obstructed the peculations of smugglers. The augmentations of their numbers as well as of their traffic had been great, beyond example, during the foregoing reign. Gordon asserted to the Board of Trade, in March, 1731-2, "that population had increased one half during the last ten years, so that the white inhabitants were now supposed to be forty-five thousand and the blacks four thousand; that the annual value of their general industry, sent out in ten thousand two

hundred tons of shipping, which were navigated by twelve hundred men, amounted to eighty thousand pounds sterling. The singular prosperity of the province may be attributed chiefly to the economical habits of the people and to the genius of their jurisprudence, partly to the prudent policy of promoting enterprise by feeding circulation with loans of paper money, gradual yet moderate. Controversy could not exist among a people whose prejudices were indulged. But the time was at hand when it became apparent, from the revival of latent pretensions, that the ancient spirit of the delegates had been only allayed but not extinguished. Of the conduct of the Pennsylvanian legislators during the foregoing period, the Board of Trade remarked, in February, 1738-9, "that it was apparent the acts of assembly had not been regularly transmitted, and had even been sometimes amended and prolonged after the time when they ought to have been laid before the king; whereby laws may be perpetuated to the detriment of the prerogative and the interest of Britain."

CHAPTER VI.

MARYLAND.— General Character of the Administrations.— Difficulty respecting the Peninsula formed by the Delaware and the Chesapeake.— Irruption from Pennsylvania.— General Prosperity of the Colony.— Premium on Gold and Silver.— Issue of Paper Money.

THE province of Maryland, prosperous yet unenterprising, will throw few materials into the collections of history during the present reign. The successive administrations of Calvert, of Ogle, of the proprietary in person, were all equally peaceful. This circumstance shows that since few causes of contest existed among a placid people no new foundation for quarrel was laid. In 1734, Baltimore petitioned the king for possession of the whole peninsula formed by the Delaware and Chesapeake, which the Penns had long occupied, as herein stated, without a title. The Board of Trade discovered that since the object of contest was undoubtedly included within his grant, his claim seemed to be equitable. Yet his request was not granted, because many pretensions were to be adjusted; and his application only disturbed the quiet of the two provinces, since competition was roused. In November, 1736, the Pennsylvanians, so celebrated for peacefulness, made an irruption into the borders of Maryland, with every circumstance of warfare, in order to execute the process of law, but with the real purpose to decide by force what should be regarded as the true limits of both. As lives had been lost in the quarrel, the king issued his commands that peace should be preserved till the con-

test could be decided in chancery. The number of petty towns which were successively built on the navigable rivers demonstrate that the genius of traffic began to expand. Yet the assembly represented, in 1731, the provincial commerce as inconsiderable and languishing. They did not attend to the progressive augmentation of their populousness, which from the commencement of the present century had doubled every five and twenty years, nor to the advances of their trade, domestic and foreign, which, though slow, was gradual, and therefore advantageous. They gave encouragement to agriculture by prohibiting the importation of horses, and corn, and flour from Pennsylvania. They offered rewards to manufactures by giving bounties to the raisers of flax and hemp and to the workers in iron. And feeling a scarcity of money, because circulation was sluggish, they proposed a premium to the importers of silver and gold. Yet, without waiting for the result of this prudent policy, they issued, in 1733, ninety thousand pounds of current money in paper bills, which, when lent to the inhabitants at a reduced interest of four in the hundred, gave to every individual little more than a capital of twenty shillings; which were to be recalled one third in 1748, and two thirds in 1764. This measure introduced some good by feeding the flame of industry that began to kindle, and some evil by the injury done to creditors, to orphans, and to widows by its depreciation. If the legislators of Maryland were not in those days great financiers, they were at least honest men. They did not, like the New-English and Carolinians, change the fund which had been appropriated to pay what the public had promised. The seeds were now sown of future opulence and power, which in after times inspired desires of self-rule and supported the efforts that were to produce consummation.

CHAPTER VII.

VIRGINIA. — Governor Gooch's Administration. — Ample Support of the Governor and other Officers. — Act of Parliament prohibiting Transportation of Stripped Tobacco. — Randolph despatched as Agent to England. — Remarks on the Colony.

LITTLE will be found in the story of the province of Virginia from the accession of George the Second to the commencement of the war of 1739, either to inform the understanding or to improve the heart. Gooch was sent to govern in 1727, a man of easiness of manners and facility of disposition. The counsellors, without any valid authority, gave him a present of three hundred pounds out of the royal revenue. And he in return resigned, in a great measure, the government to them. The burgesses thanked the king for sending them a ruler who imitated the royal moderation and justice. Owing to that interested coalition partly, but more to the happy circumstance of the king's enjoying an established revenue from the grant of the assembly and the quitrents from the reservation of his patents, great quiet as well as prosperity were enjoyed by Virginia during the long administration of Gooch. The governor and other officers being supported from ample funds, much of the cause of contest which disturbed the repose of other colonies was fortunately here avoided. The act of Parliament, prohibiting the exportation of stripped tobacco, seems to have inflamed the evils that already induced the Virginians to complain "of the declining state of the tobacco trade." They wisely

adopted now, since they were not influenced by party, what they could not formerly comprehend as an adequate remedy, that the true mode of enhancing the price of a commodity is to make it more valuable by improving its quality. Actuated, however, by different interests, the merchants of London seem not to have viewed their measure in the same favorable light. In a kind of despair, the assembly sent Randolph as their agent to England in July, 1732, to represent their grievances to Parliament and to pray that the revenue might be differently collected, so as to give a greater advantage to the planter. The fate of the excise bill, which then created so great a ferment, is at present regretted by the wise, who suppose it to have been harmless, if not politic. Gooch lamented to the Duke of Newcastle, "that the times should be found unfit for such a strict honesty as we are piously endeavoring." And the assembly thanked the king "for his countenance to that colony, by disregarding clamor and detesting fraud, however disguised or supported." Thus the Virginians courted the powerful by censuring their opponents, while the New-English gratified the opposition by throwing obstacles in the way of their ministers, because each was urged by different designs. Yet Virginia continued to prosper without interruption. From the commencement of the present century her numbers had doubled every five and twenty years, owing to a variety of causes. And, in proportion as her laborers and her diligence increased, additional products gave a greater extent to her commerce.

CHAPTER VIII.

NORTH CAROLINA. — Remarks on Everard's Administration. — Paper Money issued. — Deplorable Condition of the Government. — Burrington and his Administration. — He quarrels with the Delegates, and is reprimanded by the Board of Trade. — Administration of Johnston. — Contest about Quittrents and Rentrolls. — The Representatives resolve that the Upper House cannot amend a Money Bill. — Court of Exchequer created. — The Assembly imprisons the King's Officers, and is dissolved.

IN North Carolina disorder is said to have continued its natural progress from the epoch of its settlement to the accession of George the Second. Destitute of the kindly influences of religion and of law, the planters acquired peculiar habits from acting a singular part amidst perpetual tumult. And they were described to the Duke of Newcastle, in 1731, "as a people indolent and crafty, as men impatient of government, and neither to be cajoled nor outwitted by any ruler." Everard, a person unusually weak and corrupt, had misruled this wretched settlement for several years of the late reign. But when the governed and the governor had heard that George the Second had purchased the proprietary's rights, all parties made haste to be rich. Disregarding the positive injunctions of their late sovereign, the assembly issued thirty thousand pounds of paper bills, in order to supply the supposed deficiency of circulation; and the chief magistrate, without authority, granted millions of acres of the territory thus acquired by the crown, without stipulating for any price or reserving any rent. Before the year 1730, continued misgovernment and disobedience had de-

prived the colony even of the appearance of a civil establishment. "The council had been set aside, the general court had been suppressed, justice was no longer distributed, and neither peace nor order any longer subsisted." Such was the deplorable result, from long existing causes, which was then offered to the consideration of English statesmen, without gaining the attention due to universal distraction.

Owing to his usual inattention, the Duke of Newcastle sent Burrington, a man still more weak, and corrupt, and intemperate than his predecessor, to rule such a people during such a season; though the planters represented "the misdeeds and extravagance for which the proprietary had formerly removed him." This unworthy character was, however, intrusted with the accustomed powers, and he was instructed to inquire into the cause of late disorders, without authority to grant redress. Having published his commission, in February, 1731, he called the first assembly in the subsequent April. The governor announced what gave the greatest satisfaction, the remission of the arrears of quitrents; and he recommended many regulations, since many disorders were to be removed. The delegates promised much, since they were extremely gratified with concession, which in colonial policy generally inspires confidence. Having turned their inquiries however to grievances, they discovered, what they properly presented to the governor, that many officers took oppressive fees. Considering their presentment as the assumption of unconstitutional power, Burrington, and even the counsellors, answered their complaint in language of habitual obloquy. And all parties immediately separated, highly offended with each other, without granting a revenue or establishing a law. Here is the only instance that occurs, perhaps, in colo-

nial annals, in which the delegates were altogether right while the governor was altogether wrong. And complaints were soon transmitted to England "of his violence and tyranny," which being literally true, were immediately redressed. The Board of Trade sent him a letter of reprimand, in August, 1732, full of just reproof, salutary advice, and useful information, because they saw that government was degraded by the folly of the ruler.

In April, 1733, Johnston, a domestic of Lord Wilmington, was appointed his successor, a man of sufficient knowledge and prudence, but whose experience degenerated a little into cunning. The ministers wisely endeavored to remove temptation, by giving a salary to every officer in proportion to his importance, payable from the quitrents when they should be settled. But, inattentive to human nature, they left the formation of the rentroll to the tenants and the appointment of a mode of recovery to the delinquent debtor. Johnston took possession of his difficult charge in November, 1734, and prudently recalled the officers whom the vehemence of Burrington had chased away. During the joy which a deliverance from "tyranny and oppression" universally diffused, he convened an assembly in January, 1734-5. Having congratulated the members on the reestablishment of order, he recommended to their attention the regulation of the quitrents and their currency, the encouragement of their staple commodities, the establishment of a law against tumults, "as riotous proceedings had too much prevailed." Pleased with the governor's professions, the delegates promised to comply with his recommendations, since they had much to hope. Smaller objects were, however, absorbed in the settlement of a rentroll, which was so interesting to a people consisting wholly of yeomen.

The terms of their proposed bill were naturally dictated by their interests, because in matters of property every one decides in favor of himself. The council endeavored to protect the rights of the crown. Their reasonable alterations were derided by the representatives, who resolved that the upper house could not amend a money bill. And contest was ended by prorogation when the delegates protested against the collection of quitrents without the regulation of assembly. Johnston, in his turn, endeavored to defend a title which the king had so lately purchased, by explaining the unreasonableness of their claims; and he complained "of the clamor raised by designing men," at the same time that he assured them he would use every legal method to recover what was justly due, "without using harshness to any."

The governor acted with the more attention and vigor, that his own subsistence depended on the punctual collection of the rents. He appointed collectors, whom he empowered to compel the refractory by distress. For the decision of controversy he created a court of exchequer, which was regarded in the province as an illegal jurisdiction, though the ablest lawyers of England had declared, that the king by his instructions might lawfully establish judicatories of every kind. And the colony soon relapsed into former anarchy, because so many derived an advantage from confusion. When the assembly again convened, in March, 1736-7, they instantly imprisoned the king's officers "for distraining for quitrents," without reflecting, in their zeal, that justice is always violated when they who accuse inflict the punishment. Johnston soon dissolved the assembly, "in order to put a stop to practices derogatory to the crown and subversive of government, but without gaining his end." Shallow

must have been the statesman, who, from knowing the native principles of the people, their preceding story, the measures of the ministers, could not have foretold what must be the necessary result. It is at least amusing, if it does not offer lessons of practical wisdom, to trace the progress by which previous causes naturally produce successive events either of quietude or turbulence.

CHAPTER IX.

SOUTH CAROLINA.—Complaints of Anarchy and Misrule.—Surrender of the Soil and Sovereignty.—Johnson appointed Governor;—Brings Warlike Stores;—Relinquishes Quitrents.—His Policy.—Broughton appointed Lieutenant-Governor.—Exclusion of Counsellors from Trust.—Governor's Salary.—Presents to Governors.—Contest respecting defective Titles and Arrears for Quitrents.—Paper Money issued.—Competition for Lands.—Disagreement between the Government and the Planters.—Persecution and Imprisonment of St. John, Cooper, and Vaughan;—Of Chief Justice Wright.—Powers claimed by the Delegates.—Measures for repairing the Fortifications.—Complaints made to the King of Want of Prosperity.—Growth of the Colony.—Johnson dies.—Administration of Broughton.

THE revolutions of prior times had introduced into South Carolina, towards the conclusion of the last reign, confirmed faction, and the neglects of ministers had driven disorder into settled anarchy. Wounded in their spirit by continued obloquy, the counsellors complained to the Duke of Newcastle, in December, 1728, without gaining their end, "that affairs are now come to such a head, that the royal prerogative is openly trampled on, the commander-in-chief and the council are insulted by the delegates within doors and by tumult without." Upon accurate inquiry, the Board of Trade discovered what had been indeed truly represented, "that the province was in the utmost confusion, which could be no otherwise redressed than by the speedy appointment of a governor; never reflecting, because they had not sufficiently attended to the genuine causes of events, that this deplorable state of misrule did not so much require a governor as a gov-

ernment. It was of little importance, since there was no choice, whether the colony was ruled by Nicholson or Moore, by Middleton or Johnson. And Sir Alexander Cumming, whose eccentricities led him to visit Carolina and the Cherokees, assured that nobleman, "that when he arrived at Charleston, in December, 1729, he found every man complaining of want of government, as no one had any security for his life and property; and the folly and ignorance of these people have raised up such a spirit of mutiny and rebellion, as if they were independent on his majesty."

Events that might have been prevented by prudence hastened to a conclusion, meantime, the tedious treaty for a surrender of the soil and sovereignty, which was confirmed, in 1729, by act of Parliament. Of all the competitors during this arduous moment, the Duke of Newcastle appointed Johnson the governor, whose unfaithfulness to his late masters had rendered him unworthy of trust; who seemed to derive his new honor from the circumstance of having long acted as a zealous agent in promoting the delegates' designs. He carried with him as a royal present warlike stores to the value of four thousand five hundred pounds, since Carolina was regarded as a frontier. And he was directed to relinquish to the planters, in order to insure their quiet and their gratitude, the arrears of quitrents that had been purchased by the crown at the request of the Commons for five thousand pounds.

Invigorated by the same powers as other royal governors, and warned by the same directions, Johnson assumed the administration, in December, 1730. It was easy to perceive, from his former connections and his native principles, what line of policy he would chalk out for himself. Unconcerned beholders perceived, with a sigh, when his commission was opened,

that Broughton, who, as speaker of the representatives, had attempted to arrest the chief justice in the presence of the council, was appointed lieutenant-governor; that several of the counsellors, who had ably defended the rights of prerogative, and with them the authority of the laws, were now excluded from trust. And he called the first assembly in March, 1731, in order to promote his own designs and to gratify the views of others. By allowing the delegates to appoint their own clerk, he sacrificed the regal jurisdiction to his endeavors to please. They gave him in return a present of five hundred pounds sterling, which he received, contrary to his instructions. And he was allowed instead of a standing salary a gratuity of five hundred pounds for one year's subsistence. Yet he hoped, as he assured the Board of Trade, "to obtain a grant to the same amount during his continuance in power, notwithstanding the aversion all America showed to precedents of this nature, which influences our people very much." The prudent warnings given to the Duke of Newcastle by the counsellors, three years before, seem to have made little impression on a frivolous mind, "that all governors should be prohibited from receiving presents on any pretence; for this is the bane of all our affairs; neither is there any one thing that lessens so much the prerogative in those parts as the governor's evermore giving way to assemblies for the sake of temporary gifts." In this faithful representation of unwelcome truths we discern the cause why a few of the counsellors were deemed unworthy of trust under an administration inconsiderate and corrupt."

Animated by such motives the assembly passed, in August, 1731, an act for confirming defective titles, and remitting the arrears of quitrents; but the attorney and solicitor general found "that the whole of it was an

encroachment on the king's prerogative; the treasury thought it prejudicial to the revenue; the Board of Trade remarked, that, being contrived for the advantage of individuals, it conferred exorbitant privileges and ratified obsolete grants. The governor, the counsellors, and the delegates had been all equally interested in procuring this fraudulent act of legislation, which was now justly denied the royal assent. Johnson expected from the generality of its terms a confirmation of two baronies of twelve thousand acres, which had been granted by the proprietaries to his father; which, however, Sir Philip Yorke and Mr. Talbot had declared to have been void in the creation. And every member had some latent claim to support. The legislature, with design to discharge the debts contracted during four years' confusion, issued one hundred and four thousand pounds in paper bills; but the merchants of Bristol clamored against this measure as highly injurious to them and destructive of commerce. Various other laws, which were now passed in the same spirit of selfishness, were all equally opposed. How easy it would have been, by the same act of Parliament which confirmed the surrender, to have promoted future quiet, to have obstructed subsequent oppression, to have prevented those efforts of iniquity, by releasing the arrears of rent, by creating a proper jurisdiction for enforcing future payment, by giving from this fund liberal salaries to every officer in proportion to his station and his labor.

The moment that the general territory was reinvested in the crown by the national bounty, a scramble commenced in the kingdom and the colony for the possession of lands, so flattering, because it seems to confer independence. The governor and members of the legislature entered into this interested competition with

a rapacity in proportion to the easy means of gratification. And they appear to have commenced a persecution against every one who threw any obstacle in their way. Against Johnson several inferior planters made complaints, "that he obstructed them in the acquisition of lands;" which Sir John Willes reported to have been well founded, after hearing accusation and defence. But the indignation of the governor and assembly was chiefly levelled against St. John, the king's surveyor-general, whose prudence was not equal to his zeal; who transmitted to the ministers "observations on the act for confirmation of obsolete tithes," that were afterwards returned by the agent to the province. In April, 1732, the delegates committed him to prison, with Cooper, Vaughan, and other inferior persons, because they were all accused "of making illegal surveys of lands." They applied for a writ of *habeas corpus*, the distinguishing safeguard of Englishmen, which, though granted by the chief justice, was disobeyed by the messenger, because he was offered impunity by his masters. The prisoners supplicated the chief magistrate for protection and for liberty. But the counsellors, with a spirit of subservience unworthy of their station, advised, that, since the representatives possessed all the powers of the Commons, they might commit without relief, and since they were engaged in important affairs it would not be for the king's service or the country's advantage to prorogue them. Wright, the chief justice, endeavored on this occasion to defend the laws and the freedom of the subject with powers unequal to his good intention. The delegates resolved, that having shown himself an enemy to the province he ought to be removed from his high office; since "they would themselves have punished him had he not been a counsellor." By withdrawing his salary they however inflicted

the penalty that penury never fails to impose. Though the governor was ordered not to permit the assembly to adjourn themselves but from day to day, he now allowed them to make a fourteen weeks' adjournment, in order to detain the prisoners in a captivity the more deplorable, because they saw a trust broken and the constitution invaded by the insult offered to their persons.

This outrage inflicted on human nature was the more inexcusable, since an act of assembly had extended the *habeas corpus* act to the province, had enlarged it with additional powers, and enforced it by specific penalties, without saving the pretended privilege of the delegates. When the injured citizens endeavored to recover by legal process the forfeitures which this law imposed on the guilty, the assembly, with a pertinacity of error suitable to their malevolence of purpose, deprived them of their appointed remedy by a new act, for this purpose passed after the facts committed. But as Fane, the counsel of the Board of Trade, was little animated with the delegates' passions, he exploded this signal effort of legislation, "as its design was to oppress the people, by indemnifying persons from legal punishment." And while the Board recommended to Johnson to procure St. John's discharge, they remarked, "that, having heard all parties, they had reason to believe that if there had not been resentment against him for his faithful discharge of his duty, the assembly would not have been so exasperated." Never was the supposed analogy between a House of Commons and a House of Representatives so grossly violated. The harmony of the constitution, no less than an attention to the interests of freedom, does not permit the Commons to punish, though they very properly may impeach. They may demand judgment

on state criminals, but they never inflict the penalty. A regard to the social rights of men does not allow the accuser, the judge, and the executioner to reside in the same body. Yet, with a strange impertinence of reasoning, the delegates not only claimed the power to commit the violators of privilege, but to punish the infringers of law. They did not reflect, during their vehemence of passion, that the same hand, which was stretched out to uphold their own powers, by the same stroke levelled the most valuable immunities of the people; that dictatorial powers and the genius of liberty must forever stand opposed to each other. It is a singular fact, that there should never have arisen among a rugged people an individual, who, in the spirit of Stowel, of Exeter, might, by stating his own force against that of the delegates' officer, have put an end to a power no less tyrannous than illegal, no less inconsistent with law than with personal safety.

While this unhappy temper pervaded every member of the legislature, the assembly continued for several years to frame their laws equally invasive of the royal jurisdiction and injurious to the national interests, which were in the same manner opposed and reprobated. Yet the compliance of Johnson did not acquire him success to his instructions, though it may have probably gained him his own purpose. And in June, 1732, he informed the Board of Trade; "I was not able to procure a fixed salary during the last meeting; that being dispensed with in New England, has, I believe, influenced this province." The prudent remonstrances of the Board induced them, however, not long after, to inspect the state of the province and to repair their fortifications, which were perceived "to be in a very shattered condition." And, in April, 1734, they transmitted to the king a very exaggerated recital of

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Yet the wonted negligence of that day allowed Johnson, who had been convicted of disobedience to the king's orders, as well as of oppression of his people, to die governor of the province, in May, 1735. And a monument was erected to his memory by the men who had derived a benefit from his breaches of trust. Broughton, the lieutenant-governor, immediately occupied his degraded station, who, being a pupil of his predecessor, followed his unfaithful steps till October, 1737. Animated thus by his purposes, he in the same manner permitted the delegates to govern in all things. Among other regulations inconsistent with his instructions, which were now disregarded by all, because they were unsupported, he meanwhile gave his consent to an act of assembly "for regulating

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Yet the wonted negligence of that day allowed Johnson, who had been convicted of disobedience to the king's orders, as well as of oppression of his people, to die governor of the province, in May, 1735. And a monument was erected to his memory by the men who had derived a benefit from his breaches of trust. Broughton, the lieutenant-governor, immediately occupied his degraded station, who, being a pupil of his predecessor, followed his unfaithful steps till October, 1737. Animated thus by his purposes, he in the same manner permitted the delegates to govern in all things. Among other regulations inconsistent with his instructions, which were now disregarded by all, because they were unsupported, he meanwhile gave his consent to an act of assembly "for regulating

officers' fees." But it was by Fane deemed a most extraordinary law, that ought to be repealed; "considering the prevalent humor in the colonies of reducing the fees of officers." Thus the planters were all animated by the spirit of the New Jersey weaver, who wished "to keep the dogs poor, in order to secure their submission." And such was the unpleasant result of the fashionable policy of that reign, of appointing natives of the country and seditious agents as governors of provinces, factious from the nature of their forms and turbulent from the levelling principles of the original settlers.

CHAPTER X.

GEORGIA.—Origin of its Settlement.—Corporate Powers.—Arrival of Oglethorpe with Emigrants.—Their Reception by the Carolinians.—Oglethorpe's Policy towards the Indians.—Restriction and Entail of Land.—Exclusion of Negroes and Rum.—Doubts as to the Legality of the Charter.—Removals into Carolina.—Emigrants from Germany and Scotland.—Condition of the Colony at the End of Eighteen Years.—Population.—Exports and Imports.—Foundation for future Troubles.—Jealousy and Indignation of the Spaniards.—Their Remonstrances.—Their Purpose of dispossessing the Georgians.—Arrival of British Reinforcements.—The Boundary Question between Georgia and Florida.—Oglethorpe's Invasion of Florida.—Warlike Projects of England.—The War in the West Indies.—Part taken in it by the Colonists.—Georgia invaded by Spaniards.—Oglethorpe's Return to England, and Trial.—Commencement of Civil Government in Georgia.

WHATEVER were the motives, pretended or real, either of religion or fanaticism, of ambition or interest, that had given rise to former colonies, the colony of Georgia owes its origin to charity. A few persons, remarkable no less for birth, fortune, and learning than for benevolence of heart, solicited unprofitable power that they might maintain the indigent and give employment to the idle. They were incorporated in June, 1732, when that part of Carolina lying between the rivers Savannah on the north and Alatamaha on the south, was erected into a province of the English empire. They were empowered to transport thither the poor and the vagrant, to make proper regulations for the direction of such a people; and adequate checks were established, in order to prevent present abuses of power and to defeat any ultimate design of following the example of Massachusetts a century before, by re-

moving the site of the corporation from Westminster to Georgia.

Every purpose, however plausible or however wise, naturally incites objection. As it had been urged against the most ancient colonies, it was objected to the present, "that the emigrants, needy as they were, would assume independence, the moment they felt their strength." The writings of Penn and of Child furnished answers more specious than solid, which, being drawn from authority rather than from nature, silenced clamor, though they did not produce conviction. Neither the biography of any individual nor the history of any country has furnished an example like that, which the Georgian annals offer to mankind for their instruction; "that the same person who formed the settlement and protected its infancy, lived to see it revolt during its riper years."

Oglethorpe, one of the trustees of Georgia, remarkable for his zeal, conducted to Savannah, in February, 1733, an emigration of six hundred persons of every age and both sexes, whose transportation and settlement cost eight thousand pounds. The Carolinians received them with kindness, supported them with vigor, and enriched them with their bounty, because the new province was to form a barrier against the Spaniards, and the settlers were to blunt the first impression of Indian invasion and cruelty. Neither party seemed to foresee that they were soon to become rivals in traffic and opponents in jurisdiction; that interest would ere long generate malignity, and malevolence would bring forth outrage. Oglethorpe naturally turned his first attention to the erection of habitations and the acquirement of food. And he confined the vagrant to the labors of the axe and the slattern to the cares of the dairy. The authority which his powers seem to have

conferred was partly patriarchal and partly military, since his followers, drawn from the streets of London, were deemed unworthy of trust. And while he cultivated by every art the useful amity of the surrounding tribes, the Creeks, the Cherokees, the Chickasaws, he reared fortifications and disciplined the emigrants, in order to show, that, though he asked for peace, he feared not war.

Meanwhile, the corporation sat down to exercise the legislative powers conferred by the charter, animated with the best intentions, though rewarded with no success. The deserved fate of the Carolinian constitution of Locke exhibited no beacon to them, which might give warning of the rocks of resistance or the shoals of disappointment. The exertions of both proved unsuccessful, because in the formation of their plans they did not ask the advice of the governed; they neither entered into their feelings nor paid much regard to their convenience. The trustees, having remarked the disadvantage of the recent scramble in Carolina for baronies, enacted, that the richest should not enjoy more than five hundred acres, which were entailed on the males, who could alone by their valor defend them. They excluded negroes, not from any emotions of pity, but because the greatness of their numbers in Carolina had endangered its safety. They carefully excluded the use of rum, because gin had been found, lately, pernicious in England. Yet it showed little practical wisdom to run from one extreme into the opposite one, without reflecting, that the abuse of things, in themselves not absolutely bad, ought not to prevent the reasonable enjoyment of them. Though the charter had been revised by the ablest lawyers, and the regulations of the trustees had been approved by the greatest statesmen, it may justly

be doubted if either was consistent with law. A king of England can prescribe no rule of action for the meanest of his people, whether they reside within the capital or a colony. And he could not enable others, without the approbation of the governed, to perform in his name what the constitution had carefully denied to his prerogative. To make the charter valid and equal to its end, required, therefore, the confirmation of an act of the legislature, in which the consent of every subject is assuredly included. It was probably supposed that, since the trustees had generously undertaken to feed and to clothe the original settlers, they ought to enjoy the power of directing in all things their conduct; and since they were to resign their authority at the end of no long period, it could only be regarded, at worst, but as a twenty-one years' tyranny.

To a few and too feeble to resist the laws, which, though designed for their good, operated to their ruin, the Georgians easily discovered modes of circumvention, when instructed by necessity. They crossed the Savannah river into Carolina, where they were offered lands on their own terms, where they were allowed rum without stint, where they purchased negroes enough, whom they paid for in the depreciated paper of the country. The trustees supplied their places with peasants from Germany, from whose industry they expected the cultivation of silk, wine, and oil, and highlanders from Scotland, from whose attachment and prowess they hoped for the defence of the southern frontier. They made other laws to direct the conduct of the settlers, and established other jurisdictions to enforce submission. But restriction is no friend to prosperity, and hostility disturbs even settled manufactures. Obstruction generally promotes discontent, and refractoriness in colonial policy always procures con-

cession. To clamor now succeeded industry. And at the end of eighteen years of imbecility and unquietness, of encouragement and diligence, Georgia assumed the appearance of a settled colony. The trustees represented to the king, in August, 1751, when their term of authority had nearly expired, "that by their own expense during the first six years, and by the grants of Parliament to the amount of one hundred and thirty thousand pounds, they had effectually performed the great end of the plantation, which was the establishing of a sufficient barrier to South Carolina; that, notwithstanding every obstruction, the province was now in a flourishing condition, containing three towns besides smaller settlements, inhabited by seventeen hundred white men and four hundred negroes; yet, being still too weak to support themselves, they were in danger of ruin, should the public aid be for a moment withdrawn." But it might reasonably have been asked, what good had resulted to the state from all this waste of treasure; what incitement had been given to diligence at home; what extension had been added to the commerce of the kingdom. The value of the exports to Georgia during the years 1732-33-34, amounted only to £3445; of the imports, to £211. During the years 1749-50-51, to £4195; of the imports, to £2549. From this inconsiderable traffic, the workers in wool, in cotton, and in iron, could have derived little profit, and the navigator less employment. But what internal barrenness might have been converted to fertility, what new manufactures might have been added to the ancient stock, what busy multitudes might have been assembled on the borders of our bays, our lakes, or our rivers, by the prudent application of one hundred and thirty thousand pounds?

In the planting of Georgia, in the establishing of a

barrier for Carolina, it was not immediately perceived; that a foundation was laid for the perplexities of controversy, the miseries of warfare, the incumbrance of debts, more enfeebling than actual defeat. Georgia would have remained a wilderness, had Walpole or Newcastle foreseen the dangers in which they involved themselves and their country by one imprudent act. A dash of the same pen had bounded that province by the mountains or the sources of the rivers, as well as by the South Sea; which was inserted not so much by the usual neglect or accident, as by the advice of the Board of Trade, though the extension of the western limits across the continent included the French Louisiana and the Spanish Mexico.

From the commencement of the present reign, no art had been able to allay the jealousy of Spain, because concession had relinquished sovereignty. That nation endeavored, by force, to defend their American coasts from the practices of the bucanier, and their commercial system from the intrusion of the smuggler. And the kingdom and the Parliament rang with complaints of the Spanish depredations and cruelty, which the treaty of Seville did not remove, as former causes continued. When the Spaniards saw Britain incited to pour her supernumeraries into Georgia; when they perceived that Mexico had been included in its charter, though they had conquered and occupied that opulent region before Virginia had a name, their jealousy was inflamed into indignation. The governor of St. Augustine remonstrated against the settlement of Oglethorpe in his vicinity, who, while he justified the rights of his own country, endeavored to mollify his correspondent's severity by professions of pacific purposes and personal regard. The Spaniards made preparations at the Havannah during the year 1736, to remove those by force

whose pertinacity had proved too obstinate for requisition. But they either distrusted their own power, or they were probably overawed when they heard, through the medium of rumor, that the Carolinians had drawn the sword in defence of their southern frontier. The Spanish resident having renewed his remonstrances at the British court because the Indians had been incited against his countrymen, the Duke of Newcastle wrote Oglethorpe, in July, 1736, "to be cautious in his conduct, lest he commit the two nations." In the subsequent year, that zealous officer gave warning to the rulers of England, that a war was at hand. But Sir Charles Wager endeavored, with more success, because his suggestions were pleasing, to convince the Duke, "that there was no probability of any attack either from the French of Louisiana or the Spaniards of Florida on Carolina or on Georgia." The representations of the trustees, however, induced the ministers to send Oglethorpe, in May, 1738, with six hundred men and with orders to protect the infant settlement, though at an annual expense of fourteen thousand pounds; "to give no offence, but to repel force by force."

Negotiation is the never-failing refuge of the unprepared and the weak. Animated equally by this sentiment, the two courts appointed commissioners, in January, 1738-9, "to settle the limits of Florida and Carolina." And it was soon discovered, that neither of the positions which the contending parties had taken could be defended by fair discussion; since the one insisted to carry his boundary northward to the thirty-first degree of latitude, and the other to push his limits southward to the latitude of twenty-nine. From the treaty of London, in 1604, to that of Madrid, in 1670, there had been no acknowledged principle which could regulate their mutual pretensions in America, as the

law of nations had only determined, that the first discoverer and the prior occupant could not be invaded by subsequent voyagers without an injury. The Spaniards had retained possession of St. Augustine for at least a century before Carolina was granted, in 1663, with the express design of preserving their claim to Florida. A similar jealousy of the settlement of that province, in 1666, established the compact of Madrid, in 1670, which stipulated that each party should retain what it then possessed. What could be more wise or just than the advice which Bladen gave Newcastle, as the foundation of treaty, "that nothing ought to be claimed which cannot be supported; and, since the second charter of Carolina extended its bounds to the southward of St. Augustine, it ought to be relinquished as indefensible." From this concise view of the claims of both, it is easy to distinguish the true interest of England, which but too often is obscured by the misrepresentations of interest or the delusions of faction. The site of Georgia ought to have been declared neutral ground, with a stipulation that the Spaniards should not from the south cross the river Alatamaha, nor the English from the north pass beyond the stream of Savannah. By relinquishing this extensive desert to the roving of the savage, to the prowling of the wolf, an annual expense of twenty thousand pounds would have been saved, immediate contention have ceased, and no opportunity have been given to the Georgians to wound, in after times, the hand which fed them.

But nations seldom recede from their purpose, and the multitude were taught to clamor for war, without considering whether their rulers were able or their commanders were skilful; without inquiring into the state of finances or if the object justified the risk. And thus commenced the war of 1739, partly to avenge the

supposed depredations of Spain, but more to protect Georgia from invasion, and to establish for Carolina a barrier. Experience discovered, what seems not to have been inferred by reason, that a proclamation may engage rival communities in battle, but that the re-establishment of peace is the most difficult of tasks.

In October, 1739, the Duke of Newcastle ordered Oglethorpe "to make an attempt on Florida, since his majesty had been obliged to use forcible means with the king of Spain." A petty warfare ensued, which only exposed the weakness of the combatants; which demonstrated, what ought to have been sufficiently known, that the expense of military operations is great, though the result is seldom considerable. Flushed with his first success, the general meditated the conquest of St. Augustine, "which would free the Carolinians from fear." The assembly adopted his design; and, while they were urged by their terrors, gave supplies for raising a regiment. In May, 1740, Oglethorpe entered Florida at the head of a thousand men, exclusive of his Indian allies. But, though he easily forced the Spaniards to look for shelter in their fortress, which he bombarded, because he foresaw disappointment, he found the garrison more numerous than he expected, and more willing to resist. From this unlooked for disappointment the Carolinians apprehended the worst of consequences; the loss of their Georgian frontier, the invasion of their distracted country, and the horrid revolt of their slaves. Want of success revived jealousy and want of confidence prevented concert. And the security of all parties will be found to have been derived rather from the powerful exertions of England, than from their own virtue or their force.

Having long enjoyed the advantages of peace and expected constant protection from the efforts of others,

the plantations were discovered, at the commencement of the war of 1739, to be disunited, weak, and defenceless. Yet, during this state of unpreparedness, the ministers were forced into war. They now sent Anson into the Pacific Ocean to alarm the Peruvian coast, if he could not gain possession. They let loose the rapacious and the adventurous upon the American territories of Spain, by confirming, under an act of Parliament, to every warlike society, the lands that they should conquer, since individuals can only acquire for the state. They despatched Cathcart and Vernon to the West Indies with a prodigious force, in order to cut the sinews of resistance by seizing the Havannah, the key of the treasure of the South; to inflict a deadly wound by striking at the heart of the Mexican empire. In prosecution of this decisive project, they commanded the governors of the continental colonies to raise reinforcements in each; to ask the assemblies, not for permission to levy recruits, but for money to pay for their temporary subsistence and subsequent transport to the scene of action. But the passions of the provincials had not been roused by the means which had inflamed their fellow-subjects in Britain; and, though the war had been undertaken for the protection of their ships and the security of their frontiers, they did not meet the royal requisitions with proportional ardor. Blakeney, the adjutant-general, found from examination, "that the plantations were more populous than had been represented at home, but that some of the assemblies had been backward and some of them had been very sparing in the necessary supplies; for," as that honest soldier assured the Duke of Newcastle, "there are so many parties and petty factions in all the provinces, that they thwart one another, and if a governor proposes any thing for the public good, he is sure to meet

with opposition." Notwithstanding every obstruction, either designed or accidental, that zealous officer sent to Jamaica almost three thousand men, who were condemned by the regular officers with their accustomed prejudice to the drudgeries of labor, since they thought them unfit for the more arduous exploits of war. The loss of an able leader is generally equal to the defeat of an army; but the death of Lord Cathcart, the first in command, and of Spotswood, the second, seems to have decided the fate of the expedition to Carthagera. And the ultimate repulse of Vernon and Wentworth produced, in superaddition to individual misery and public disappointment, all the mingled passions that can render joint authority unsuccessful; contempt and recrimination, contest and disunion.

But, while the British commanders wasted years in fruitless altercation or in feeble effort, Georgia and Carolina derived security from the distractions of the Spaniards, who knew not, while their enemies held consultations of war, where the next storm might fall. Freed at length from terror, because they expected safety from fruitless counsels, they made preparations to dislodge Oglethorpe from Georgia. In June, 1742, Monteano led three thousand men into a province, whose defiles and whose strength seem to have been equally unknown to him. When notice of this formidable invasion was communicated to the Carolinians and their powerful assistance was asked, they could scarcely be convinced that their invaders were at hand, because they had been too often alarmed with rumor. And they weakly resigned to Oglethorpe the glory of repelling a more potent foe by the vigor of his conduct, the valor of his troops, and the superiority of his stratagem. Happy is it for the repose and safety of mankind during the contests of nations, that igno-

rance and imprudence are more common qualities in the military character than either experience or address. Had Monteano sailed into the harbor of Charleston and fallen on a defenceless people, Carolina must have submitted at the first impression, and Georgia must have followed its fate. Wearied with successive disappointments, the Spaniards no more disturbed the quiet of either, because they at length felt their own imbecility.

The founder of Georgia not long after left it forever, retiring before the more potent attacks of malevolence, in order to defend himself in England against positive accusation. The trial concluded in the disgrace of Cooke, his accuser, though it did not brighten his fame, that was basely sullied by private suggestion. Here ended the domination of martial law. Here commenced, for the first time, a kind of civil government, consisting of a president and four assistants, who were invested by the trustees with every power, legislative and executive. And the Georgians had seldom cause to boast of their freedom or their happiness, since they felt not the pleasures of self-legislation nor possessed those privileges of English colonists, which ennoble the mind and animate exertion.

CHAPTER XI.

SOUTH CAROLINA. — Bull's Administration. — Evils afflicting the People. — Favored by Parliament. — Threatened with Invasion. — Arrival of Du-roure with Troops at Charleston. — Persons, furnishing the Spaniards with Supplies, sent to England for Trial. — Persecution of McCulloch, Comp-troller of the Revenue. — Opposition to the Acts of the Legislature. — Glen appointed Governor. — His Policy. — Regrets of the Board of Trade. — Compromising Spirit between the Governor and Assembly. — Aid fur-nished by the King in times of Danger. — Amity with the Indians. — Difficulties between the Governor and the Colonists. — General State of the Colony. — Introduction and Protection of Indigo.

MEANTIME, in South Carolina, Bull succeeded Brough-ton, in September, 1737, as president of the council, who, being also a native of the country and equally engaged in similar projects, adopted his interested policy. The administration of Bull, tranquil because temporizing, was ere long disturbed by every evil that can afflict a people ; by pestilence and fire, by foreign depredation and internal revolt. Emigration soon re-paired the inconsiderable loss of people. The Parlia-ment gave to the prayers of the people twenty thousand pounds, for reparation of the losses by conflagration. From the depredations of the privateer, ships were sent to protect the Carolinian coast. And the insurrection of the negroes, incited by the Spanish promises of free-dom, was easily suppressed, because it began without premeditation. The assembly of November, 1739, thanked the king "for the royal bounty of a complete set of ordnance for their fortifications," and repeatedly asked for future aid. When the rancor of hostility in-duced the Parliament to prohibit, in 1741, the exporta-

tion of provisions from the colonies to Spain, the rice of Carolina was excepted, because the traders had stated, "that any stop would not only render the planters unable to pay their debts, but at this present precarious time may deliver the colony an easy prey to the Indians and Spaniards." The assembly made unusual exertions in defence of the province, partly because they hated a foe who could urge their slaves to revolt, but more because they were freely admitted to a considerable share of the executive part of government. Yet it was to England that they looked for effectual protection. In June, 1742, they again transmitted an address to the king, begging for assistance against the French, since they were yet weak, notwithstanding the flourishing condition of the colony, from its increase of people and of trade. When the Spaniards, by invading their borders, threatened them with actual danger, Vernon and Wentworth sent Durore, with five hundred men, to Charleston; who, arriving in October, 1742, when the invaders had already retired, convinced their enemies that powerful assistance might be had when a real necessity urged requisition. During this state of enmity, there were not wanting persons at Charleston, who, taking advantage of flags of truce, supplied the Spaniards of St. Augustine with provisions and clothes, with negroes and intelligence. And their conduct became at length so notorious, that the grand-jury presented it as a nuisance to the settlement and undutiful to the state. The criminals were at length sent to England for trial, since there existed no local judicatory, where an inquiry could be made into treasons committed without the limits of the empire.

While this unworthy spirit animated equally the governors and the governed, the former scramble for the possession of territory continued; and the zealous

attention of St. John, the king's surveyor, had been nearly extinguished in his imprisonment. The reiteration of fraud and complaint induced the treasury to send McCulloch to Carolina, a man of sufficient sagacity and prudence, to comptrol the manorial revenue of the crown. But when he arrived, in 1741, he discovered, "that there had been such letters written from home as gave the people very disagreeable impressions of him and his commission." Against McCulloch, Bull and the counsellors commenced the same persecution that had compelled the acquiescence of St. John; though it did not end in the confinement of his person, because he defended himself with greater skill, and Bull was honest though he was misled. Perceiving, at length, that the grand-jury declared against his measures of reformation, since "the country had been inflamed by the king's officers," the comptroller retired into North Carolina, where he met with similar purposes and similar opposition. The disobedience of the royal officers to royal commands, taught the provincials to deride the rules of action prescribed by the legislature. When the Parliament extended to the colonies the act against projectors, which had rescued the nation from delusion and from fraud, its usual concomitant, the Carolinians impugned it as unjust and severe; as unjust, because it was passed after the fact committed, and severe, as it imposed penalties on actions which they did not consider as criminal. And Whitaker, a chief justice able and experienced, could scarcely procure the attention of the grand inquest to a law, which, they were told in the hall of justice, in opposition to his charge, ought not to be regarded as a rule for their conduct.

Having surmounted the objections of the traders, who did not consider him as sufficiently vigorous or

wise during that moment of danger, Glen was appointed governor, in November, 1738. While he lingered in England, as if unwilling to assume command, he meanly endeavored to acquire popularity in the province by opposing the designs of the king's comptroller and misrepresenting his designs. He was received in December, 1743, with the applause due to a patriot, who had protected the property of the people from the fancied rapacity of a revenue officer. But the purport of the letters which he had imprudently written from England was soon communicated to the Board of Trade, who seem to have never forgotten that he had counteracted a salutary policy, which they had advised. And they constantly regretted, without the power of redress, that authority had been placed in hands no less feeble than unfaithful.

Glen instantly perceived the unpleasant effects of that spirit which had animated the conduct of his predecessors, Johnson, Broughton, and Bull; "that the whole frame of government was unhinged; the governor being divested of that power which his commission conferred, and which, under various denominations, had been parcelled out to different persons, among whom the counsellors had been busied in sharing the spoils." Yet the new ruler soon adopted, with a characteristic frivolity, the same arts which had insured the repose of others. And when the assembly met, in January, 1743-4, all parties seem to have been willing to please. The delegates granted him one year's stipend of six hundred pounds sterling, the counsellors relinquished a part of their usurpations, and he gave his consent to laws which sacrificed to the gratification of the multitude the national rights intrusted to his care. Experience at length induced the Board of Trade to remark, "that they never wrote

him but they found cause for complaining of some departure from his instructions, and often of some notorious breach of prerogative."

From the repulse of the Spaniards, in 1742, Carolina seems to have been alarmed more during the war with rumors of invasion and revolt, than with real danger. While attempts, feeble and ill directed, were made to fortify their capital, the assembly constantly asked the king for aid, which, though sometimes delayed, was generally given. To the solicitations of their agents were granted, in 1745, three independent companies, at an annual expense of five thousand eight hundred pounds, that before the year 1764 had swelled to the immense capital of £111,104 sterling, for which the poor of Britain now pay annual interest. For this seasonable assistance, the assembly showed their gratitude more by giving additional pay and providing comfortable barracks for the troops, than by the address of thanks which they transmitted to the king. Yet it was to the useful amity of the surrounding tribes, the warlike Cherokees, the Creeks, and the Chickasaws, whom Glen courted by unusual attention, that the Carolinians owed their safety. The provincials offered an instructive example to mankind how little the strength of a people consists in greatness of numbers, or a supposed wealth, when their spirit has been enervated by a too ardent pursuit of interest.

For the relaxation that necessarily pervaded every department, Glen complained of the colonists and they accused Glen. Directed by the chief justice, Whitaker, the grand-jury formally presented the various contempts of law and neglects of officers, that universally prevailed. In order to defend himself against an attack, as direct as it was vigorously urged, Glen assured the Duke of Bedford, in July, 1748, "that a governor, who

will betray his trust by breaking his instructions, may be idolized by a levelling people; but one who will be equally careful of the prerogative of the prince and the privileges of the subject, must sometimes deny their requests and therefore meet with clamor." Yet, while the Board of Trade put him in remembrance how much his practice was inconsistent with his principle, they remarked, in December, 1748, "that the encroachments of the assembly on the just prerogatives of the crown, and the other defects of the constitution, are matters that require a very serious consideration, as they have spread themselves over many other parts of the plantations and are destructive of all order and government."

Meantime the province filled with people, since every encouragement was given to settlement; and the plantation prospered, because the individual followed his inclination and his interest without interruption. The ancient staples were augmented, while new commodities, more valuable than the old, were introduced. Indigo was first planted in 1745, which, being found beneficial to the colony and advantageous to the state, was encouraged by a parliamentary bounty in 1749. And, while aid was thus given to their efforts, the Carolinians merit the peculiar praise of carrying on no illicit traffic, destructive of the national interests and disgraceful to themselves.

CHAPTER XII.

NORTH CAROLINA.—Acts of the Assembly.—Rentroll.—Troops for the Expedition to Carthagera.—Governor Johnston convenes the Assembly at Wilmington.—They will not assent to a favorable Quitrent Law.—The Governor's Purpose and Management in changing the Government; and the consequent Anarchy.

AFTER five years' struggle, "during which no means had been left untried to induce the governor to depart from his instructions," a foundation was at length happily laid for future peace in a country where disorder had at all times reigned. In February, 1738-9, the assembly of North Carolina enacted "more good laws than had ever passed in former times." They endeavored to give energy to commerce, to compel the speedy administration of justice. But all had been fruitless without a law "granting a rentroll, and establishing a mode for the more effectual collecting of quitrents." In favor of this boasted act of legislation, Johnston represented "that it was the best which could be got; which from nothing will bring a revenue of eighteen hundred pounds a year, and had already restored peace to a turbulent people." It was during this happy moment, that Johnston received orders to raise troops for the expedition to Carthagera. And a degrading traffic ensued between the governor and the delegates, perfectly suitable to the characters of both parties. He seems to have easily raised four hundred men. They granted with seeming alacrity twelve hundred pounds upon distant funds for their subsist-

ence; but as they knew that the governor had secret orders to draw bills of exchange to supply deficiencies, they found an excuse in their supposed poverty for declining to provide for transports. To the Duke of Newcastle Johnston praised the zeal of the delegates, and asked "for some mark of the king's bounty, by sending them ordnance for defence of their coasts."

But while the Board of Trade congratulated Johnston "on the cheerfulness with which the assembly had concurred," they informed him, "that the laws of 1739-40 were invasive of the royal prerogative; that the act providing a rentroll contained several clauses of very ill consequence, which had procured the royal dissent." The province immediately relapsed into former animosities, the moment that the king's disapprobation was published. And, though the governor convened the assembly in October, 1741, at Wilmington, in order by its distance from the centre to prevent the attendance of the northern members, and the majority consisted of the most moderate members, "he could not procure their assent to a quitrent law near so advantageous as the former." Owing to this fruitful cause of disorder, disagreement degenerated into altercation. And, during several years of interested contest, prorogation was regularly followed by dissolution, which confirmed obstinacy rather than conciliated goodwill. Perceiving the necessary consequence of recent measures, Johnston gave notice to ministers, who resigned him to his fate, "that it will be in vain to attempt to collect the quitrents without an act of assembly." Urged at length by his necessities, as the salary of every officer had been long in arrear, the governor endeavored to gain by trick what he despaired of obtaining by candor. He seized the occasion, when a majority of the southern members were

present, to procure an act of the legislature changing the seat of the government, and with it the constitution; because the delegates had learned, during an age of turbulence, to dissolve the assembly by absenting themselves. The spirit of the injured soon urged them to opposition. The six northern counties denied obedience to a law thus obtained by management, and refused to pay taxes thus imposed by improper authority. Universal anarchy ensued, where happiness might have presided, had the ministers established a rentroll by act of Parliament. And, during the year 1749, North Carolina was found "to be little better than an asylum for fugitives, since it was destitute of any regular government." Such are the unpleasant incidents which occupy the story of an inconsiderable settlement, that gradually filled with people, as the law offered protection to the vagabond, as every one lived without control, and all enjoyed in security what a trivial labor had gained.

CHAPTER XIII.

VIRGINIA. — Order and Tranquillity of the Province. — Governor Gooch's Administration. — Troops and Zeal to avenge Spanish Depredations. — Commendable Acts of the House of Burgesses. — They borrow Money instead of issuing Paper. — Opposition to admitting Dinwiddie to a Seat in the Councils. — Decision of the Board of Trade in his favor. — The Six Nations. — Treaties and Attempts to pacificate them. — Battle of Augusta. — Treaty of Lancaster and Indian relinquishment of Land to the Ohio River. — The Capitol burnt. — Attempts to remove the Seat of the Government. — Gooch's Duplicity. — He grants to Vestries the Privilege of Presentation to Benefices. — Prosperity of the Colony.

LONG had the love of order, the obedience to law, and the peacefulness of the province of Virginia offered a striking contrast to the tumult, the refractoriness, and anarchy of its southern neighbors, owing to the different circumstances in which they were placed. Here, an established religion, a fixed quitrent, a standing revenue, and irregular administration prevented cause of contest, and confirmed the public quiet. And from the removal of Spotswood the Virginians had enjoyed great tranquillity, as their rulers had paid great attention to the people's prejudices, which have so great an influence on human affairs, independent of all political establishment.

In so populous a province, Gooch easily raised four hundred men, as part of the army that was to avenge Spanish depredations. And he was too much beloved by the people, because he flattered their pride, not to procure the zealous assent of the assembly to the royal instructions, which required them to pay for the sub-

sistence and transportation of the troops. With a most laudable ardor the burgesses ran beyond his wishes. They passed an act "for encouraging levies and preventing desertion, for putting the country in a state of defence during that time of danger." Having voted five thousand pounds, which their treasury was too much impoverished to pay, they wisely borrowed the deficiency at an interest of six in the hundred. And the wisdom of their choice, in asking the aid of the rich rather than issuing paper bills, deserves the highest encomium, because by the same stroke of policy they avoided a positive evil and introduced a real good; they excluded the frauds of depreciation and gained the benefits of circulation.

Yet, amidst this seeming cordiality, there lurked the seeds of independence, that sprouted in proportion as seasons proved favorable. Dinwiddie, having been appointed, in 1741, surveyor-general of the customs, was equally named, as his predecessors had been, a member of the respective councils of the colonies. Gooch readily obeyed the royal mandate. But the counsellors, animated partly by "their ancient jealousy of the surveyor-general's interfering in their municipal laws," but more by their former aristocratic principles, refused to allow him to act with them as a legislator or a judge. They transmitted a remonstrance to the king, disavowing any purpose of impeaching his prerogative, yet pleading for the exclusion of Dinwiddie from the exercise of the functions annexed to the character of counsellor, though they admitted that precedents opposed their pretensions. By not "interfering in this calm dispute," Gooch endeavored, with his usual practice, to preserve his reputation at court and his influence in the colony. In May, 1742, the Board of Trade decided the controversy, by advising that the royal

purpose ought to be enforced in opposition to claims, dangerous because they were new.

The peace of Virginia was disturbed during the war more by the irregularities of her allies than the efforts of her foes. The six confederated tribes, by nature brave, high-minded, and restless, had, for ages, levied contributions on the English colonies, because it was deemed prudent to buy their acquiescence, since it was impossible either to repel their attacks or to gain their friendship. They became first known to the Virginians during the reign of Charles the Second, when, by waging a bloody warfare with the southern Indians, they disturbed the repose of a narrow frontier. Successive treaties were made and soon infringed. By the peace of 1684, they agreed never to approach towards the navigable waters, and, in their route to the south, to hunt along the eastern base of the Blue Mountain. As the inhabitants extended their settlements westward upon a tract that seemed common to both, the confederates showed their dissatisfaction by committing depredations on the most forward intruders. And Spotswood, who wished rather to repel them by force than to supplicate safety with humiliating presents, purchased a peace in 1722, by which they stipulated never to appear to the east of the Blue Mountain, nor to the southward of the river Potomac. As the planters began to occupy the lands on the western skirt of the boundary, the Six Nations again showed their discontent; because, in the encroaching conduct of the settlers, they thought they perceived a link struck out of the chain of friendship. A petty present, which was sent them in 1740, seems not to have pleased, because it was unattended with Indian solemnities. And they denounced threatenings, which, when uttered by untutored chiefs, are soon followed by the merciless strokes of the hatchet.

Yet, on the Virginian frontier, the youth of the Six Nations met a race of men as brave, as prompt, as agile as themselves; because, by pursuing in the same manner the occupation of hunting, their nerves were equally strung. And in February, 1743-4, the battle of Augusta was fought, in which both parties displayed the same gallantry and conduct; in which the Indians lost an unusual number of warriors, since the fortune of the English prevailed. A petty skirmish, in which twenty only were slain, inclined both parties to peace, contrary to the maxims of European hostility. And the solemn treaty of Lancaster was held in July, 1744, when the Six Nations unwillingly relinquished, for four hundred pounds, the country lying westward from the settlements of Virginia to the river Ohio, which they claimed as theirs by right of conquest, which they valued in proportion to the blood it had cost them. To the disjointed colonies they recommended union, by the example of the force and the ability of their own confederacy. And they promised with Indian sincerity, which is always directed by events, to prevent the French from passing through their country in prosecution of their hostile designs.

Under the peculiar management of Gooch, no incident could disturb the settled tranquillity of Virginia. When the delegates resolved that the expense of the foregoing treaty ought to be paid by the royal revenue of quitrents, he procured the royal assent in return for their address against the French and the pretender. The capitol, the repository of the records, the hall, where laws were enacted and justice was administered, having been burnt by design or accident, a fine opportunity was offered him to show the genuine spirit of his conduct. The burgesses, thinking this a proper season to aggrandize the province by removing their

metropolis to a situation favorable to commerce, passed a liberal bill with this wise design. But the counselors, animated by less generous motives, rejected it without a reading. To the Board of Trade he praised the noble views of the one, while he censured the selfish purposes of the others; yet in public he blamed the burgesses, "as he thought this the best method to stifle the flame of contention." Thus sacrificing candor and truth to the gratification of an aristocracy, which governed the province, because, having the disposal of a standing revenue, the representatives of the people were usually of less importance. By consenting, in 1748, to a law which gave to the vestries the privilege of presentation to benefices, he equally resigned the rights of the crown and the church; never reflecting, whilst he was only anxious to please, that he was adding force to a power, which, at no very distant day, was to remove from his station a successor. The example of Gooch demonstrates, that to govern such a people in peace requires no extent of talents or exertions of prudence. He studied how to gratify the most powerful, though at the expense of duty, and he had the good fortune to gain his end without forfeiting the approbation of his superiors, because his modes of government were similar to their own. During his tranquil administration, from 1728 to 1749, the number of the Virginians had nearly doubled, at the same time that there had been added one third to the extent of their settlements. The lightness of taxes gave energy to diligence, which urged internal enterprise. And their foreign commerce gradually increased, in proportion to the progress of industry and the diffusion of opulence, since the provincials neither felt any relaxation of spirit nor encountered the interruptions of war.

CHAPTER XIV.

MARYLAND.—Troops and Money for opposing the Spaniards.—Commissioners invested with Executive Power.—Relation to the Six Nations.—Readiness to act against the French.—Ogle is succeeded by Bladen.

PLACED under the same political establishments and animated by similar sentiments, the province of Maryland, meanwhile, engaged in similar pursuits and enjoyed the same tranquil prosperity. Governed, therefore, like other men, by the circumstances in which they were placed, the assembly adopted, with alacrity, the measures proposed by the ministers for annoying their enemies. Though less populous and less powerful than their southern neighbors, they raised a larger body of men and gave more ample supplies. They encouraged by considerable bounties the enlistment of five hundred troops; they granted an additional five thousand pounds for subsisting and transporting them to the scene of operations. But, with a jealousy which shows that they had been somewhat infected with the prevailing principles of the more northern colonies, they invested commissioners with the executive power that the constitution conferred on the governed. While Maryland thus sent her sons to conquer the Spaniards of Mexico she was alarmed by the conspiracy of the domestic Indians and by the threats of the Six Nations. Having acquired a title to the territory included within the boundaries of the charter, from the original occupiers, either by faction or force, the provincials had seldom formed any treaties

with that powerful confederacy, at least were unknown to it by any distinguishing name. And by the treaty of Lancaster the tribes relinquished for a consideration, which seems to have pleased them, the lands that they claimed within the province by right of conquest, or rather by the title of their will. Maryland concurred, with the same alacrity, in the projected expedition against the Canadians, in 1746, when it became necessary to give a check to French encroachment, since French perfidy had been at length felt. Yet, during the war of 1739, the colonists did not enjoy perfect happiness, though they encountered none of its miseries or its interruptions, because they had learned the prevailing practice of other colonies, to complain of grievances that they did not always feel. When they became dissatisfied with Ogle, Bladen, one of the provincials, was sent to rule them, in 1742, as much was expected from his knowledge of the people, perhaps more from the influence of his connections. But the ruins of an unfinished palace, which, in 1742, the assembly directed to be built for the chief ruler's residence, remain a disgraceful monument of the folly of the governor and of the faction of the delegates. And the vehemence of Bladen, which made him blind to the favorite passions of others, induced all parties to wish that they might never be again ruled by a native of the province.

CHAPTER XV.

PENNSYLVANIA.—Governor Thomas.—Troops raised.—Difficulty with the Delegates, growing out of Religious Scruples as to War.—The Proprietary's Proposition.—Thomas's Statements to the Board of Trade.—Partridge, the Agent, procures and publishes Thomas's Despatches.—Petition from Philadelphia to the Assembly, stating its Insecurity.—Grant by the Assembly.—Thomas's Derision of it.—Philadelphians apply to the Sovereign for Aid.—Expulsion of Chew from the Bench.—Movements towards protecting Philadelphia and the Frontiers.—Grants by the Assembly.—Retirement of Governor Thomas.

THE time was at length arrived when the singular party, which, by the artifice of management, had for years directed public affairs in Pennsylvania, as well as dictated the fashions and habits of the people, were to show the extent of their prejudices and their power. The commands of the minister engaged the zeal of Governor Thomas, though they did not procure for either the concurrence of the governed. And he easily raised eight hundred men in a province into which the emigrations of Germany, of Ireland, and of Britain had long run with the fulness and rapidity of an American river. But he could not expect the requested aid of the delegates, whose religious scruples were adverse to war, whose political principles led them to oppose every measure that seemed to strengthen the chief ruler's authority. Having the power to adjourn themselves for any period of time, they easily discovered reasons of delay in fabricated rumors of peace. Thomas, however, again convened them, in July, 1740; and he pressed the granting of a supply for the subsistence

and transport of the troops, by every topic of persuasion, by showing that the supplies might be easily found without raising a tax, by proposing "that they might appoint commissioners of their own to lay out their own money." They at length voted four thousand pounds; but once more adjourned without completing by a law what importunity had determined them to give. And when they were again assembled, to conclude what they had already determined, they found, in the imprudence of Thomas, a fine excuse for a predetermined resolution. Of the eight hundred men whom his efforts had raised, notwithstanding every opposition, many were contracted servants, who preferred the idleness of warfare to the drudgeries of servitude. On so fruitful a topic the heats of contest were soon inflamed into acrimony of altercation. The greatest lawyers justified the governor, by remarking, that the king is entitled to the services of all his subjects, without reflecting that every general proposition must be explained by circumstances. Common sense determined, that, since the owner had paid a consideration for the limited labor of his servant which was subject to alienation, it became his property as much as his farm or the services of the ox which tilled it. And the delegates, without considering that, while they protected the individual they might obstruct the exertions of the state, appropriated the four thousand pounds to indemnify the masters for the injurious detention of servants. Amid this acrimonious struggle the proprietary, with the most laudable purpose, endeavored to promote concord and exertion by offering to forego the payment of his rents during the pressures of warfare. But obstinacy seldom listens to the tenders of reconciliation. Thomas was obliged to use the permission which his secret instruction gave him, to draw bills on

the treasury for five thousand pounds, since his solicitations had failed. The pertinacity of the Quakers roused the zeal of opposite sects. The proprietary and the principal inhabitants of Philadelphia advanced on the credit of his bills the sums which the public necessities required. And the merchants, with unusual generosity, "freely offered their ships, though the freight to Ireland was better, as wheat bore a great price." To the ministers Thomas lamented, in the height of his passion, "that, had he joined with the delegates in cramping the expedition, by concealing the wealth and strength of the country, it would have been for his interest; but, as he could not act so base a part, they had rewarded him with calumny and stopped his salary." The Board of Trade, however, administered to a wounded spirit the balm of consolation, by telling him, "they were persuaded that those disputes did not owe their rise to any failure of his."

With greater ardor for the public than just regard to himself, Thomas gave the fullest information of the intrigues of party and the condition of the province. He stated that the religious principles of the Quakers, who, though not one fifth of the people, had, by their union and art, engrossed all power, prevented the assembly from concerting any measure of defence; that one privateer might plunder Philadelphia, consisting of seventeen hundred houses, which contained ten thousand inhabitants; and he concluded, "that as these colonies receive the king's protection, the Parliament may probably in due time think it just that they should bear a reasonable proportion of the burden." In an evil hour for the governor's repose the delegates chose as their agent, Partridge, an intriguing Quaker. This man having already instigated the sect to which he belonged in London, to interfere in the affairs of the province, he now surreptitiously procured Thomas's

despatches, which he transmitted to the speaker of the assembly; which were dispersed with great diligence, to inflame private malignity and public discontent. And it became the cry of the people and their delegates, "let us starve the governor into submission or into silence." Informed of that unworthy act, the Board of Trade, with a just resentment, resolved that since Partridge refused to disclose from whom he had obtained the copies, he should not be admitted to transact business till he made satisfaction to the injured by revealing the guilty. Intent only to serve his party, though by any means, the busy Quàker did not reflect, that formality of habit and peculiarity of language become ridiculous when they are not attended with singleness of heart and purity of conduct.

In Pennsylvania, where we ought to expect from the people and their principles universal tranquillity, there was nothing heard but the clamors of strife. The inhabitants of Philadelphia, who thought it lawful to resist an enemy and prudent to defend themselves, stated in strong language to the assembly of June, 1741, their defenceless condition, and prayed for effectual security. But, actuated little by their motives or their prayers, the delegates determined that their petition could only be regarded as a menace and breach of their privileges. Fearful, however, lest their proceedings should be misrepresented in England, they ordered three thousand pounds of their currency to be paid into the exchequer, in order to demonstrate their loyalty to their sovereign and their willingness to bear a proportional share of the burdens of war with their fellow-subjects in Britain. To the Duke of Newcastle, Thomas derided that "pompous grant," since they had declined to provide for their own safety, and had for years stopped his salary. Roused from their usual repose, the Philadelphians applied to their sovereign for that safety which had

been denied them by their representatives. Having heard counsel on points that did not admit of debate, the Board of Trade reported, in July, 1742, "that the proprietary was no more obliged to defend the province than any other provincial ruler; and, since there were no laws for military purposes, the governor should be instructed to lay before the king a state of what he deemed necessary for individual satisfaction and public protection." Thomas had, meanwhile, secured his internal frontier by a prudent peace with the Six Nations. But he could not gratify the Quakers, who persecuted every man who obstructed their political views. They expelled from their society Chew, the chief justice of the three Delaware counties, because he had recommended to the assembly to provide for their defence. And owing to their intrigues the printers of Philadelphia refused to publish his justification, which at once demonstrated the soundness of his heart and the malevolence of his persecutors. Thus, in a contest for privilege, the liberty of the press was restrained; and in an attempt to preserve purity of mind the rights of conscience were invaded.

In March, 1743-4, Thomas obeyed the royal commands by stating, that the Delaware, having for years been annually frequented by three hundred vessels, the navigation was now perfectly known, and a fort was therefore necessary for the protection of Philadelphia, the capital; that, as there was now a considerable trade transacted on the Ohio, the frontiers ought to be defended by fortlets; that, since there are neither arms, ammunition, nor militia, all these are necessary as in other colonies, though the assembly had often denied them. But, though the necessity had been shown, and the utility had been proved, it was yet to be determined how unwilling minds were to be persuaded. In this

perplexing dilemma the advice of two men were asked, who were the most capable of giving it. In October, 1744, the attorney and solicitor general reported, "that while they did not doubt but that in point of prudence the representatives of the province would do every thing necessary for their own defence, they did not see how the assembly can be compelled to do more towards it than they shall think fit, unless by the force of an act of Parliament here, which can alone prescribe rules of conduct for them." The Board of Trade added their respectable suffrage to the salutary advice of those illustrious jurists. But the ministers, occupied with domestic troubles, resigned the Pennsylvanians to their fate; to the depredation of the privateer and the incursion of the savage. And those undecisive proceedings the delegates seem to have understood as they were probably intended; as an intimation that a power existed which could compel the refractory and protect the feeble. In 1745, they granted four thousand pounds of their currency to the solicitations of Shirley rather than to the requests of Thomas, to purchase provisions for the conquerors of Louisburg. In 1746, they gave five thousand pounds for the scanty subsistence of four hundred men, whom the governor sent to the army designed for the conquest of Canada. Thomas retired from his unpleasant command, in 1747, wearied with governing "an obstinate, wrong-headed assembly of Quakers." And he gave warning as he retired, "that they may, in time, apply the public money to purposes injurious to the crown and mother country, since they pretend not to be accountable to his majesty or his government." Yet their policy promoted the unexampled prosperity of the province. And the opulence and the power which thence resulted to their posterity enabled them to support the struggle that was to establish what the present generation only wished for.

CHAPTER XVI.

NEW JERSEY.—Powers assumed by the Assembly.—Governor Morris's Communications to them.—The Question of their Subordination presented to them.—Grants for the Carthage Expedition.—Appropriation of Salary Money.—Contests between the Governor and Assembly.—Delegates refuse to form a Militia.—Attempts to conquer Morris's Obstinacy.—Perplexity in the Tenure of Lands.—Jail Delivery at Newark.—The Governor's Application to the Assembly for Aid to execute the Laws.—Provisions, but not Men, granted for the Louisburg Expedition.—Progress of Anarchy.—Further Difficulty about Land Tenures.—State of Things under Hamilton.—Violences committed.—Cause of Justice stopped.—Belcher appointed Governor.—He favors the Discontents.—Acts disapproved by the Attorney and Solicitor General.—Representations to the King and Board of Trade, respecting the Insurrection.—Meeting and Opinions of the Ministry, and the consequent Effects on the Colony.—Jail opened at Amboy.

THE vigorous representations of Morris, with regard to the disordered state of the province of New Jersey, in 1739, and the feebleness of government only incited the lamentations of the Board of Trade, "that the people had made no better return to the king's condescension in granting them a separate governor." When the requisitions of war made it necessary to convene the assembly, in June, 1740, Morris perceived that he must rely on his own management, since he had only received approbation from England. To the delegates he recommended many useful regulations, while he pointed their resentment against the Spaniards. As he saw "that they still assumed the powers of a House of Commons and more," he attempted, if he could not convince their understandings, at least to mortify their pride. "We are a dependent government," said he,

“and our laws differ little from bye-laws, extending no further than our province; and therefore our desires should not be extended beyond our just powers, and nothing should be knowingly attempted inconsistent with that dependence.” But they easily avoided his dilemma by silence, since they saw equal danger in admitting or denying his position. Had they confessed that they formed only a part of a subordinate legislature the inference would have followed, that they could not possess the rights of sovereignty; had they denied their inferiority, because they represented an independent community, they would have at once avowed their designs and alarmed the nation. Here then we discover the chief cause of every contest which assuredly led to ultimate revolt, the delegates of a province exercised the privileges of a body altogether uncontrollable, till the sad epoch when they claimed as a right what impolicy now allowed them to enjoy by sufferance.

“After using all the crafts they could to avoid doing it,” they granted two thousand pounds, for the subsistence of three hundred troops for the Carthage expedition; but they directed to the uses of war the money appropriated for payment of the salaries of civil officers. With designs which were now perfectly understood within the colony and the kingdom, they attempted to throw all jurisdiction into the hands of the county justices, “who, for the most part, were weak and ignorant men.” And with regard to the conduct of the delegates during the present session, Morris remarked to the Board of Trade, “that if it is suffered to pass long unnoticed it may one day require the aid of a British Parliament.” The Board commended his vigorous opposition to such unwarrantable practices, without being able to lend him their aid.

A kind of necessity having every year convened an

assembly, similar contests annually arose. . During the session of November, 1742, the delegates assumed a species of appellate jurisdiction, by revising the judgments of the supreme court of justice ; by punishing men not so much for breaches of duty, as for offences against the law. They attempted to gain, by a tender of five hundred pounds, the governor's consent to the issuing of forty thousand pounds of paper bills ; no less inconsistent with the interest of the province than contrary to the royal commands. Yet he rejected their bribery and their bills with a disinterestedness that gained him the applause of his superiors. During those transactions he gave them no interruption, because he probably wished that their extravagance of conduct might expose them to the censure of the world. But when he saw them assume the whole power of the legislature, by directing the application of revenue, which the law had already appropriated, he put an end to their power, since by their encroachments they had shown themselves unworthy of it.

The great experience of Morris enabled him to judge rightly of men, and to foretell the events that must necessarily result from their principles and their efforts. The delegates of 1743 adopted the design of their predecessors, and copied, therefore, their proceedings. When war was declared against France, in June, 1744, a new assembly was called, because the province was defenceless. Animated by the spirit of Quakers, and taking their example from Pennsylvania, the delegates refused to form a militia, or to make preparations for internal security or foreign adventure. And having attempted, by a resolution, to give force to an act of assembly, which contained a clause of suspension till the royal assent was obtained, they were dissolved by a ruler, who saw "that nothing was im-

probable or impracticable here, while the representatives are inclined to stretch their power." He called a new assembly, in August, 1744, "whom he found as bad as the former." The delegates now resolved to conquer Morris's obstinacy, since he had rejected their bribe; and they determined, therefore, to pass no bill for the support of the civil establishment, unless he first gave his assent to all their measures. Having thus degraded the prerogative, by reducing every officer to miserable subservience, they began an attack on the authority of Parliament. And, perceiving the tendency of the bill which the Commons had introduced for prohibiting paper money and enforcing the royal commands, they adopted the vote of the Pennsylvanian assembly; "that, should this bill or one of a similar tendency pass into a law, it would be an encroachment on their fundamental constitution, and destructive of their liberties and their properties." Urged not less by experience than by future expectation, the aged Morris again gave notice to the ministers, in January, 1744-5, "that the unwarrantable encroachments of the assemblies in more than one of the colonies, seem to make it necessary that in some way or other they should be reduced to such legal bounds as are consistent with the king's prerogative, and their dependence on the crown, lest the evil prove too inveterate for cure." The Board of Trade could only lament, "that late assemblies have shown so little disposition either to support government, or defend themselves during this time of danger, and still more that the representatives should take upon them to censure the proceedings of the House of Commons." From this feebleness of language, as well as of conduct, it is easy to perceive, that the Board had now sunk into a state of hopeless despondency, since they had been long overborne by superior influence.

The time was now come when preceding causes were to produce their natural result; when government was to be trampled down, since it had been enfeebled by repeated strokes; when law was to be set at nought, because the judges had been long degraded; when the usual restraints on the passions of men being at length withdrawn by contempt of order, anarchy was to fill the wonted haunts of freedom. The perplexity in the tenures of lands peculiar to New Jersey had naturally introduced confusion in the rights of tenants; and the late relaxation of discipline had prompted an anarchical people to seek that remedy from tumult, which, in settled communities, is derived from established judicatories. During the year 1745, while a rebellion disturbed the repose of the nation, those colonists who wished for the gratification of ownership, because they were poor, entered on the lands of others, "under color of Indian purchases." But they could have derived no right from the aboriginal occupiers subsequent to the year 1683, at least to 1703, because the assembly had at both periods enacted, that no one should purchase territory of the natives, except the proprietaries alone. The injured having now appealed to law for protection, one of the intruders was committed to jail, because, adding enthusiasm to his confidence, he refused to give assurance to the officer, that he would answer the adversary's suit. He was immediately released at noonday by a multitude, who avowed their purpose to open all prisons, to release all persons, who should be committed for the same cause. Morris very properly claimed the aid of the legislature, since the executive magistrate had been overpowered by an association too formidable for the usual efforts of the officers of justice. But among the delegates, there were some who favored the insurgents, as they hoped to gain from their pretensions, and others

who rejoiced to see insurrection too potent for government. They advised the governor to put the law in execution. And since they were not in all things gratified, they denied subsistence to the chief magistrate, to the judges, to the attorney-general, and to every officer, at a time when vigor of council and activity of conduct were the most necessary. Yet they gave two thousand pounds to purchase provisions for the conquerors of Louisburg, though they denied the requested aid of men; in order to show that they had the power to give when their inclinations were obtained by proper means. While Morris, worn out with the infirmities of advanced life, was preparing to leave a scene of trouble, in which he could no longer act even a feeble part, he for the last time informed the Board of Trade, "that the miserable condition we are in seems to make the aid of his majesty and his ministers very necessary."

Anarchy is every where infectious. The contagion soon overspread West Jersey, and, before April, 1746, it had extended its baneful effects into the neighboring counties of New York. Impunity always excites confidence and boldness begets determination. The insurgents now assumed a regular form; naming committees, appointing captains, and establishing judicatories, to decide pretensions among themselves and to enforce obedience. They at length entered on lands where length of possession had sanctified deficiency of title. And they committed universal waste of timber, where they did not claim any property in the soil. The peaceful and the injured in vain sought for legal remedy, when the courts of justice were overawed, when officers were forcibly opposed, and jails were avowedly opened. The proprietaries and the insurgents each appealed to the public, each stating their

claims, and each complaining of wrongs. Various proposals were made for trying the title by the decision of law, which were always rejected, because the one feared the verdict of a jury interested in the event, the other dreaded the determination of judges, who, in a rigorous interpretation of English jurisprudence, would have little regarded Indian sovereignty. To the assembly of June, 1746, Hamilton, the president, again recommended an attention to tumults, which seemed to lead to acknowledged revolt. The delegates transmitted an address to the king, testifying their abhorrence of the pope, the pretender, and the rebellion within the kingdom, while their own conduct gave spirit to insurrection within the colony; while they refused to grant a petty establishment for the subsistence of civil officers. Yet they concurred heartily in the Canada expedition, because they deemed its conquest "for the benefit, future safety, and perpetual peace of all the colonies."

Animated by augmentation of numbers and by hope of success, the associators committed such violences at New York, in December, 1746, as amounted to a disavowal of a government, which they saw unsupported and, therefore, almost annihilated. The course of justice at last stopped. And internal disorders daily increased in proportion to the length of their continuance. Hamilton once more called the assembly, in May, 1747, in order, if possible, to procure their aid. He stated that the insurgents, in establishing the superiority of the Indians, had denied the king's title to the Jerseys, and, having exploded his right to govern, now deny obedience to his laws; that no one can suppose that a British Parliament will suffer these things to pass long with impunity, or that the nation will part with so valuable a colony without a contest. And he as-

assured them that the chief cause of all the disturbance was, that the civil officers had been now three years without subsistence. But he uttered his threats to no effectual purpose. Nothing could be expected from delegates, whose favorite passions were gratified by the continuance of turmoil. And, encouraged by certain impunity, the insurgents "broke out into flagrant rebellion at Amboy, in July, 1747."

Though of those degrading events the Board of Trade had been meanwhile informed, they could only lay the intelligence, with their fears and their hopes, before the Duke of Newcastle. Having sent Belcher to Massachusetts, in 1730, to calm the troubles of his native province, having lately recalled him, since he had been unable to perform his promise, that minister thought him now a proper governor for the Jerseys, during that tempestuous season. Perfectly acquainted with the native principles of Belcher and his subsequent conduct, the Board of Trade disapproved of his various proposals, because they saw that each ended in his own gratification, but chiefly because they disliked a choice that they could not disappoint.

The new ruler assumed his arduous charge in August, 1747. He was led by temper to approve of the cause of the insurgents, and by interest to concur with the projects of their patrons. Urged by these motives, he immediately convened an assembly, to whom he recommended the continued discontents, and from whom he asked for maintenance. Yet they adjourned for a few months, because they distrusted his sincerity. When they again assembled, their deliberations were somewhat disturbed by the tumultuous approach of the insurgents, who were, however, prevented partly by vigorous resolutions but more by private intrigue. Their petitions being heard, various laws were passed,

which, without removing the cause of confusion, only gratified their prejudices. As it had been long the policy of the delegates to punish the governor with penury if he refused his assent to their measures, Belcher now threatened the Board of Trade if they denied their approbation to the late measures of assembly. With this view, he told them, "without their favorable report, I fear this province will be in greater disorder than ever." Yet the various defects of those efforts of legislation and policy did not escape the singular sagacity of the attorney and solicitor general. They thought the act for the suppressing of riots had a tendency to encourage them, as it inflicts a much less penalty than the law now does. They disapproved of the act for taking away the remedy of the individual for wrongs committed, since the property of the subject had been so grossly injured. They deemed the act for granting oblivion and general pardon very improper, because the men who had deluded the multitude were not excepted. With a laudable spirit, the Board of Trade disapproved of the act for the support of government and the payment of debts, by the issuing of forty thousand pounds of paper bills, because this measure was no less contrary to the true interest of the people who asked them, than to the royal instructions and the resolutions of the Commons. Experience soon decided in favor of the opinions of those illustrious lawyers and statesmen. Of the thousands who were guilty, not more than twenty complied with the act of indemnity. The others retained unjust possession and committed greater outrage.

In despair, the proprietors sent a petition to the king, in December, 1748, praying for the royal attention to their deplorable state, as they could obtain no protection from the legislature. The counsellors at the same

time transmitted to the Duke of Bedford a recital of the origin and progress of the insurrection, remarkable for accuracy of facts and authenticity of evidence. But in a representation so becoming of their station Belcher refused to concur; saying, "he would try what another session would do." Having with this design called a new assembly, in January, 1748-9, he informed them, that the measures of their immediate predecessors to restore tranquillity had failed; he painted, in the strongest colors, the dangerous tendency of the riots; and he threatened to lay an account of their proceedings before their sovereign. Yet, neither his persuasions nor his threats procured attention. "The delegates," it was remarked, "did many things in favor of the insurgents, and endeavored to assume the powers of government." Having patiently waited "to see what the assembly would do," Belcher transmitted to the Board of Trade a representation of the unhappy condition of the province. And he complained, in unequivocal language, "that he could not bring the delegates into proper measures for suppressing this wicked spirit of rebellion."

Roused by all these notices, the king's confidential ministers assembled in July, 1749, to determine with regard to the remedy, which a disorder so confirmed and dangerous required. To them it appeared, "that all accounts concurred in representing New Jersey as in a state of disobedience to all law and government, attended with circumstances which manifested a disposition to revolt from their dependence on the crown; that the progress and continuance of the insurrection are principally to be attributed to the weakness of government, arising from the penury of every officer." And it was thence inferred, "as a fundamental principle, that while the governor is so absolutely dependent on the

assembly, order cannot possibly be restored. Three expedients were considered. As the most effectual remedy, it was proposed to send from hence a sufficient military force under a proper commander; but, should the situation of the province be thought not to require so strong a measure, or should the expense be considered as too great, or should it be apprehended that it would be attended with such an alarm as might produce disagreeable consequences, it was proposed, that the four independent companies should be sent from New York under a proper governor, with independent powers; but, should this project be attended with difficulty, it was urged, as the ultimate remedy, that the governor of New York should be appointed, as formerly, to rule over Jersey, with sufficient authority to grant pardons and to use force. But it is always more easy to propose than to execute. They who engage in undertakings too difficult for their talents, proceed with supernatural slowness, expecting to derive that resource from time which the able find in their own powers.

In looking round amidst their embarrassments for an expedient, the ministers met with a petition from the delegates, which was stated by the Board of Trade "as a further proof of their bad conduct, as an insult on the crown, as an injury to the persons complained of;" which, however, was regarded as a proper pretence for delay. After two years' consideration, the result was at length made known, in July, 1751. The governor was instructed "to signify to the delegates his majesty's displeasure at their misconduct in delaying so long to give their assistance for suppressing the revolt." But the advisers did not advert, that the displeasure of kings can only be sent with effect from Versailles or Petersburg, from Madrid or Lisbon. A general pardon was promised. But it had been forgotten, that recent

lenity had invigorated insurrection. And a commission of inquiry was proposed, since the petitioners had represented that they had only used force to repel unjust invasion. But the Board of Trade, with a noble independence, insisted that their report of June, 1750, had stated with precision and with candor the origin and progress of the riots, the pretences, true and false, of all parties, and had collected from authentic documents all the information that commissioners could possibly procure. The same Partridge who had formerly been excluded from the plantation office for his surreptitious practices, transmitted, with the speed of exultation, a copy of the late determination, though it was not yet made public. And it was received by the insurgents with the acclamations of victory. The delegates "looked on it as a conquest, or that the matter was hung up forever; and resolved to crush those who had complained of them." When the assembly convened, in October, 1751, the effects of this spirit and of this resolution immediately appeared. Having found additional objections in the bill for the support of government, the council again amended it, because, though convenient to officers, it contained inadmissible encroachments. But the delegates rejected their amendments, with peculiar marks of indignation, and requested the governor, by accepting the supply, to give force to the law by his exclusive assent. Yet he declined rather than refused, as he had not even now received the ministers' ultimate orders. Encouraged by all these events, the insurgents committed a fresh tumult of greater magnitude, in April, 1752, by opening the jail of Amboy, the capital, in order to release Wiccof, who had been committed for treason. Futility never fails to beget contempt. The king's governor now disobeyed the king's *mandamus*. And

the Board of Trade not long after expressed their surprise to Belcher, "that he should attempt to fill the council with persons disaffected to the king's government."

Thus fatally for the national jurisdiction ended a seven years' insurrection. The levelling principles of the people had led them to reduce all officers to abject subservience; the consequent weakness of authority had promoted rebellious resistance; and the untimely expedients of ministers now gave a triumph to the insurgents, which opened new prospects to the ambitious. How seldom do statesmen consider, that a revolution may have been already achieved, while they are yet deliberating with regard to modes of prevention or redress!

CHAPTER XVII.

NEW YORK. — Lieutenant-Governor Clarke. — His Efforts to excite the Six Nations against the French. — Troops and Money for the Carthagenia Expedition. — Clarke's plausible Harangue to the Assembly. — They control the Money Appropriations. — They deny an Intention to throw off their Dependence. — Remarks on the Word "Independence." — The Assembly refuses to vote Salaries till certain Bills become Laws. — Act for regulating Quitrents. — Bradley's Complaints of Encroachments on the Prerogative of the Crown. — Clinton assumes the Administration. — His condescending Policy. — Acts of the Assembly. — Salaries. — Albany and Oswego fortified. — Commissioners appointed by the Assembly. — French War. — Measures to gain the Six Nations. — Treaty. — Proposition of New England to unite with New York, not accepted. — Neutrality and Backwardness in relation to the War. — Difficulties between the Governor and the Assembly. — The Governor rebukes and dissolves them. — He sends Cannon and Provisions to New England for the Louisburg Expedition. — His Representations to the Duke of Newcastle. — Acts of the Assembly favoring the Expedition to Canada. — Assumption of Powers by them. — Seizure of Provisions by the Army, and the consequent Disaffection in the Colony. — Johnson's Influence over Indians, and Operations against Canada. — Assumption of Government by Seven Counsellors. — Clinton remonstrates with them. — Both Parties present Recriminations to the Ministry.

THE war of 1739 decided the unequal struggle which had for years existed between Clarke, the lieutenant-governor, and the representatives of the province of New York; the one for subsistence, the others for power. When the representatives were asked to fortify the province, they showed by their conduct that they had watched for opportunity. And Clarke lamented, that he had been reduced by necessity to depart from his purpose of never submitting to an annual support and an appropriated revenue, so contrary to his instructions and to just policy. In order to retard the con-

tinued encroachments of France, he endeavored, by presents which had been sent him from England, to incite the resentment of the Six Nations, who constantly received the bounty of both parties without much regarding the professions of either. In a province, whose people continually increased, Clarke easily raised five companies for the Carthagera expedition. But he esteemed it rather a piece of good fortune; than the result of management, that he had procured from the delegates money for their subsistence and transport, "contrary to the prediction of many and the prior purposes of the assembly." Yet the demerits of the refractory did not prevent the generosity of England from extending her protection to the peaceful. And to the requests of Clarke were not long after granted warlike stores of the value of eight thousand pounds, for the defence of a people whose efforts were too often directed with greater ardor against the just authority of the state than the continued encroachments of the enemy.

It did not occur to the sagacity of Clarke, that a concession once made to a popular convention can never be regained, as every attempt to resume what necessity, perhaps, had conceded, is thought an invasion of privilege. Urged by mortification, rather than by prudence, the governor endeavored, at the meeting of the delegates, in September, 1741, to recall them "to duty, not in words, but in actions, the only sure evidence of men's hearts." He desired them to recollect the protection they had received since the happy revolution, at a vast expense to the crown, which merited from them the highest returns of gratitude. Their predecessors, indeed, in grateful acknowledgment, had for many years supported the government in a mode conformable to that of the Parliament; like them, too, never questioning the king's preroga-

tive to appoint officers for the administration of his revenue. But, whether wanton or not by prosperity, the representatives began to divert from that great example, by demanding to have the nomination of a treasurer for the management of money granted on extraordinary occasions, and, being indulged, they soon grew in their demands, by insisting to extend his authority to every branch of revenue. It was a bold stride they next took, so inordinate is the lust of power. When the tax-bills expired, in 1709, which, till then, had been given without any special application, they refused to support the government unless they had the appointment of salaries. Thus fixing on themselves the dependence of officers, they in effect subverted the constitution by assuming one undoubted portion of the royal authority. "I would willingly persuade myself," continued he, "that nothing but the late disorders kept them from returning to a just sense of their duty, that now sober counsels will take place and the example of Parliament be made the rule of your future actions. This only will remove, as to this province, a jealousy which has for some years obtained in England, that the plantations are not without thoughts of throwing off their dependence. I trust no man in this colony has any such intention, yet neither my hopes nor belief will have the weight of your actions, by giving to his majesty such a revenue, and in such a manner, as will enable him to pay his own officers, whereby they will be reclaimed to their proper dependence."

It was sad experience, that convinced the monarchs of England of the importance as well as the propriety of observing great reserve in their speeches to Parliament, adopting generally the coldness of William, rather than the loquacity of James. It would have been happy, had their colonial representatives followed

their dignified example, which, by the Board of Trade, was indeed sometimes wisely inculcated. The delegates were at no loss for an answer to the plausible harangue of Clarke. With equal industry they traced the various misapplications of funds, which had induced their predecessors to look for modes of prevention; the people approving what they regarded as useful to the public and advantageous to the officer. They denied any intention to throw off their dependence, and "they took upon them to vouch, that not one person has any such thought or desire; for under what government can we be better protected or our liberties be so well secured?" It is in the misunderstanding of terms, wilful or ignorant, that disputants of every kind find the continuance of controversy. The expression "independence" was probably understood then, as it had been during half a century before, in a sense peculiar to each. When the governor perceived, from a long course of encroachment, that power taken from one scale was constantly thrown into the other, he naturally inferred that the assemblies aimed at self-direction. The delegates, perhaps, wished only to acquire the gratification of supreme command within the province; to enjoy the thing without the name. But sagacious observers, who, in every reign from the epoch of the revolution, had compared the principles, the pretensions, and the conduct of local legislatures, had inferred, that, since they contended for an uncontrollable station, and justified their proceedings by the reasonings of a sovereign body, they assuredly pretended to positive independence. The representations of New York, whose former conduct had so much strengthened this reasoning and justified this conclusion, soon convinced the colonial world, as well as their experienced opponent, that his suspicions were not

unfounded. In October, 1741, they resolved, with their wonted spirit, "that the consideration of the allowances to the several officers shall be postponed till such bills as this house have already prepared, or shall at this meeting further prepare, for the benefit of the people, be passed into laws." And Clarke, in a kind of despair, instantly gave notice to the Board of Trade, "that they have unmasked, at last, and in effect declared, that if a governor will not blindly consent to their bills, however unreasonable or contrary to his instructions, they will starve him into compliance."

Having asked, without success, the aid of the king's ministers to support the king's authority, Clarke submitted to his fate without another struggle. He accepted from the delegates such an annual stipend as they thought proper to give. And as an equivalent, he relinquished his instructions and the government to them. When the continual encroachments of France induced all parties to think that a French war was at hand, the delegates made petty provision for defence. But, while they endeavored to derive security from fortifying their harbor or their frontiers, they appointed commissioners to execute their purpose, in order to deprive the chief ruler of influence. With the same design, they introduced the same policy into their domestic economy. In the spirit of their Carolinian neighbors, they passed, in May, 1742, an act for regulating the payment of quitrents, which was regarded as a measure of obstruction. And Bradley, the attorney-general, took this occasion to renew, in August, 1742, the representations which he had made in 1729; remarking to the Board of Trade, "that the aim of the delegates, in framing this law, could only be to subject every claim of the crown to a trial by a jury, who are of the same dispositions with themselves; eager to encroach on the prerogative

of the crown, in order to shake off, as fast as they are able, their dependence on the nation, and to set up for themselves."

During this state of encroachment and recession, when the sagacity of Burleigh, the prudence of Godolphin, or the vigor of Pitt, had all proved equally unsuccessful, Clinton, a sailor of no great talents or discretion, assumed the administration, in August, 1743. He resolved, because he was told it would please, to grant every thing and to accept every thing. Owing to this determination, more than to the common flatteries of his speech, the assembly of December, 1743, thought proper to gratify him without receding from their own purpose. They passed an act for granting one year's support to the civil establishment; but they cautiously affixed the salary to the name, and not to the office, in order to have the appearance and the effect of an annual appointment. With design to give to the constituent an annual opportunity to approve of the representative, they shortened the duration of assemblies. And they added strength to the frontiers, by fortifying Albany and Oswego, taking care to appoint commissioners to execute their projects, since they wished to evince to all the extent of their own influence. From that day, till he was finally driven from the province, Clinton lamented, without gaining either support or pity, that he had made concession without insuring confidence, and allowed encroachments without retaining the means of prevention or redress.

When war was at length declared against France, the assembly avowed their detestation of the design to invade the kingdom "in favor of a popish pretender," and professed their readiness to lend effectual aid against so perfidious a foe. Yet Clinton endeavored to purchase, with the presents that he had brought with

him from England, that safety of the six confederated tribes which he perceived could not be expected from fortifications, badly constructed and feebly garrisoned. At the treaty of June, 1744, appeared commissioners from Massachusetts and Connecticut, in order by similar means to gain the same interesting end. The Indians with their wonted avidity received the presents and promised their attachment. It was on this occasion that the four colonies of New England proposed to New York an association of mutual aid, which the governor had no power to accept, which the assembly afterwards declined, because they were not animated with a similar spirit. Composed chiefly of the descendants of Dutchmen, who, as Clinton assured the Duke of Newcastle, "have no knowledge of the English constitution or love to the nation, but are of such levelling principles that they are constantly attacking the prerogative," the delegates wished only for that neutrality with Canada, which, during the war of Anne, had brought them safety and profit. Had the assembly, prompted by their principle, sent a formal embassy to concert with France a treaty of neutrality and of commerce, without the consent of England, it would have soon appeared that there existed no ordinary mode of prevention or even of punishment, though such a conduct in a subordinate body had approached nearly to treason. While men were thus actuated by motives, the most powerful in the human heart, the governor, in vain, "took pains to work up a set of stubborn people who are of the assembly to a spirit of loyalty and hearty zeal for the king's service."

Warlike coöperation could not be expected from delegates, "who, from the nature of their proceedings, seemed averse to government." When the New-English asked them for aid in their spirited attack on Louis-

burg, "they deliberated long and did little." They voted three thousand pounds of their currency, which was, at least, equal to their own zeal, though unequal to the governor's expectations. Having disregarded the king's orders, having neglected to reimburse those who had repaired the fortifications of Oswego, because they had not been previously consulted, Clinton thought himself obliged to put an end to a tedious session by dissolution. Without adverting how seldom sharpness of rebuke removes the obstinacy of popular conventions, he remonstrated; "You have ventured to take upon you the assignment of proper places for the erection of batteries within the city, to order the issuing of gunpowder provided for the public use, without consulting me; which, in effect, is assuming the administration and wresting the king's authority out of the hands of his governor." Animated by inclination more than by hope, Clinton sent cannon to the New-English from the royal magazines and provisions which he purchased with private subscriptions. And, though a new assembly seem to have granted more liberal supplies, it was to no purpose to expect the vigor of union where discord directed, or ultimate success where many commanded. At the same time that Clinton claimed his share of the celebrity attending the capture of Cape Breton, he wrote the Duke of Newcastle, what he desired Lord Lincoln to enforce, without gaining his end, "that, unless the legislature at home does take cognizance of the delegates' conduct and enjoin them to a more submissive behavior, it can never be otherwise; since neither dissolutions nor fair means can produce such effects as are wanted for his majesty's interest."

The facility of conquest at Louisburg inspired the colonies with an ardent desire of subduing Canada. In an evil hour the ministers gave way to solicitation,

because they wished for fame during an unsuccessful war. The assembly thanked the king "for his paternal care of his remote subjects, in setting forth an expedition against their natural enemies, the French, who, from their situation, are become the pest of all these countries." Animated with unusual gratitude, the delegates passed bills, in June, 1746, "for preventing the exportation of provisions and warlike stores; for issuing forty thousand pounds towards the expedition to Canada; for encouraging volunteers; for pressing ship carpenters." But in the fabrication of their laws they were equally careful to divest the governor of power. Having by former encroachments invested themselves with the disposal of money, with the nomination of civil officers, and the appointment of salaries, they now assumed "the custody of the warlike stores, the erecting of the fortifications, the passing of the muster-rolls of the army, the appointment of paymasters, and the general direction of the war." Clinton felt the evils which he could not prevent or cure. And he apologized to the ministers "for thus resigning the most essential powers of government," by pleading the danger of the colony, while he hoped to regain during the leisure of peace what he had given up in the extremity of war. Amidst divisions which naturally begot contest, all that could be reasonably expected was defence, but not conquest. The commissaries of the assemblies having denied provisions to the continental army, the general seized by force what was denied to the governor's orders. The delegates complained of breach of privilege, and refused to provide for troops who, instead of obeying their commands, invaded their property. The corporation of Albany refused quarters to the soldiers who were placed on the frontiers for their protection. And during this lamentable scene of an-

archy, which the neighboring colonies beheld with sorrow and the Canadians derided with laughter, the province owed its safety rather to the hatchet of the Mohawks than to the sword of the provincials. It was in that perilous moment that Johnson first displayed his singular influence over untutored minds by directing the bloody ardor of the Indian allies of England against the frontiers of Canada; against a foe whom he thought unworthy of pity because they had seldom felt. Yet it was not in those days remarked, that there was more barbarity in the use of the knife than the bayonet, or greater inhumanity in procuring ultimate peace by the ferocity of the savage than by the bravery of the grenadier.

While Clinton was thus engaged in feeble warfare on the frontiers, seven of the counsellors, who "seem to have been chiefly directed by De Lancey, the chief justice, in some measure assumed the government in the capital. They sat without the governor's consent; they issued orders, civil and military; and, taking an example from the encroachments of the delegates, they endeavored to engross as much power as their rivals would allow them to possess. Clinton could only remonstrate against the irregularity of their conduct and endeavor to reclaim them to duty, by pointing out the inconvenience and the danger of "two councils acting at once." Both parties presented recriminations to the ministers without gaining their end. The governor lamented that he had imprudently appointed a chief justice for life, since he now discovered that independence and gratitude seldom go together. And the delegates having presented a remonstrance, accusing Clinton not only of folly but of crimes, without adducing a proof, he endeavored to defeat their purpose by assuring the Duke of Newcastle, in May, 1747, "that his majesty is

reduced to the dilemma of either supporting his authority in the person of his representative or of relinquishing his powers to a popular faction." From the accusations and defence of both parties, the Board of Trade were induced to assure the cabinet ministers, "that no governor ever departed from the prerogative in one instance, but he raised a confidence in the assembly to attack it in another, which as constantly brings on a contest that again creates animosities, which in the end obstructs every wheel of government."

CHAPTER XVIII.

NEW ENGLAND. — Troops raised in Massachusetts for the Carthage Expedition. — Banking. — Belcher superseded by Shirley. — Character of Shirley's Administration. — Votes of the Assembly. — Preparations for War with France. — French Attack on Canso. — Aid sent to Annapolis. — Expedition against Louisburg. — The Command given to Pepperell. — Appropriations by the Assembly. — Success at Louisburg. — Proposition of the Soldiers to share the Land. — Shirley assumes the Command of Acadia. — Importance of Louisburg. — Projected Expedition against Canada. — Good Results from its Failure. — Impressments at Boston, by Knowles. — Excitement of the Bostonians. — Shirley retires to the Castle. — Interference of the Legislature in behalf of the Governor. — Difficulty about his Salary. — Reimbursements by Parliament for the Expenses of the War. — Payment of the Provincial Debts. — Measures in Massachusetts for suppressing Paper Money.

WHEN the ministers considered the distracted state of Massachusetts, at the commencement of the war of 1739, with its empty treasury and debilitated system, they expected no great assistance from her efforts. Yet, in a province full of people, who preferred the idleness of hostility to the ignoble occupations of peace, Belcher easily raised five hundred men for the Carthage expedition. But the delegates, on one of those pretexts which are always found when eagerly looked for, obliged him to discharge the one half of them, when they were ready to embark. In vain Blackney remonstrated "that this conduct could only be considered as distressing the king's service;" the body who were asked to pay for their subsistence and their transport snatched that opportunity to mortify a governor and to display their power, though by the same stroke they

might have defeated an enterprise, calculated for their own advantage and the interest of the empire.

The recent contests of the colony and subsequent sourness of conduct, arose from a cause that had long perplexed the affairs of neighboring settlements, the strong propensity of the people for a depreciating paper. Every attempt having at length failed either to induce the king to withdraw his prohibitory instruction or Belcher to disregard it, individuals endeavored to establish what the legislature were thus prevented from effecting, at least, to the asked for amount. The whole province engaged in projects of banking, without considering that it is not so easy for individuals to recall and to liquidate four hundred thousand pounds in paper bills, as it is to throw them into circulation. Belcher, with a laudable spirit, used every art to defeat their pernicious practices, while they were countenanced by the delegates, who refused him their aid. In the height of his chagrin, he informed the Board of Trade, "that they had almost forgot how near their behavior was to being laid before the Parliament ten years ago, and they are now starving the king's governor, because he will not disobey the king's orders." It is amusing to trace the windings of the ministers in quest of palliatives, though a remedy simple, and therefore effectual, lay before them, till Ryder and Strange informed them that they had made similar researches, without success. These eminent lawyers advised them to apply to the legislature for modes of prevention, since none could be found in the common law. The Board of Trade added their respectable suffrage to that prudent advice, remarking, "that the land bank and manufactory schemes had created the greatest confusion; since the governor's proclamations had been altogether disregarded." And the Parliament passed an act "for restraining under-

takings in the colonies," by extending thither, in 1741, a regulation of the last reign for suppressing similar projects within the kingdom. The merchants of Boston thanked the traders of London for procuring a law so advantageous to commerce, which, though at first opposed, proved at last decisive.

Owing to an intrigue, which shows how difficult it is to establish historic truth, Belcher was superseded by Shirley, in August, 1741. The new governor found "the treasury empty, Castle William, the key of the province, defenceless, the garrisons ready to desert, the civil officers starving, and a settled aversion in the delegates against a suspending clause in money bills." Aware of the difficulties of a government "where Shute quitted the charge, Burnet broke his heart, and Belcher had failed in the midst of his countrymen," Shirley adopted a policy which had always proved successful. He admitted the encroachments of the delegates and searched for precedents to justify them before the ministers. Though to concede requires little ability, yet his talents and his prudence enabled him, for years, to please both parties. The assembly gave him a considerable annual bounty; but "the inveterate aversion of the people to the settlement of salary" prevented them from granting a fixed establishment. They voted money for raising five hundred recruits for the wasted army of Wentworth, for repairing the ruined fortifications of the province; but they showed, by appointing a committee to perform the services, that they thought no governor worthy of trust. And they made vigorous preparations for an expected war with France, as Shirley had procured a relaxation of his instruction with regard to the issuing of paper money contrary to the remonstrances of the Board of Trade.

The time having at length arrived when the French

chose to grant openly to the Spaniards that aid which hitherto they had given secretly, they attacked Nova Scotia, before it was known at Boston that war was declared. Their first onset proved fatal to the garrison of Canso, because a French governor is obliged to ask no advice in concerting his measures, and finds no body of men who find a gratification in opposing his ardor. The New-English deserve great commendations for sending effectual aid to Annapolis, the capital of Nova Scotia, though their energy of conduct proceeded from their fears of the loss of their northeastern barrier. Having received notice of the weakness and distraction of Louisburg, Shirley proposed to the assembly to attempt its conquest, as success would procure them present safety and future glory. An expedition was resolved on by a majority of only one vote. Yet what was thus coolly determined was zealously executed. Three thousand volunteers were easily raised, since they were promised the plunder; and the aid of the other colonies was, meanwhile, asked, because they were all equally interested in an enterprise which offered equal security to all. Pepperell, a respectable merchant, who had courted fortune with too much diligence to find leisure to study the art of war, who by the probity of his dealings had, however, acquired popularity among his countrymen, was appointed commander-in-chief. Every colony which sent a quota of troops gave him a separate commission, because all were equally independent and neither were supreme. None of the parties seem to have adverted, that, the moment he passed the boundaries of the settlements, much more when he sailed beyond the limits of the empire, his authority ceased and every sentinel became a general. During the ardor of the moment the manifold defects of local jurisdiction did not appear, and

ultimate success sanctified want of authority. While the delegates provided by liberal emissions of paper for the expense of an armament which showed the extent of their power, they carefully appointed a committee to receive the money and to direct its expenditure. And Shirley had the address to convince an inattentive ministry that he contrived the plan, that he directed the execution, that he secured final success, by the prudence of his policy. Yet his merit was undoubtedly great and his rewards were assuredly ample.

In April, 1745, Pepperell arrived before Louisburg, whose fortifications were mouldering into dust, whose defenders were mutinous for want of pay. He was aided by an English fleet under Warren, whose early blunders were covered by ultimate triumph. Pepperell gave a lesson to officers regularly bred to the profession of arms, by attacking the defences where they were least able to resist, without any technical delays or any of the refinements of art. And pressed by assaults, vigorous yet tumultuary, the garrison capitulated, when they saw the numbers of their assailants daily increase at the same time that their own resources were cut off by the capture of their ships within sight of the ramparts. But difficulties occurred during this happy moment which seem not to have been foreseen, though they naturally sprang out of the defects of a jurisdiction unequal to the object. Whether the keys should be delivered to Pepperell or to Warren, whether the general or the admiral was entitled to command, were questions which their prudence easily resolved into compromise. And both received the signs of submission and each alternately issued his orders. Disappointed as to the promised plunder, the New-English soldiers proposed to divide the country among themselves, as the sailors exercised the exclusive privilege of

despoiling the Spaniards. With arms in their hands it was not easy to prevent their purposes, since, from their fathers, they had learned to yield little reverence to authority. With still greater inconsistency Shirley, though born in England and bred to the profession of law, assumed the civil command, without reflecting that a commission given him to govern Massachusetts could not extend to Acadia, and the governor of every settlement which coöperated in the expedition might have contended for the same preëminence. But amid the joy of conquest few statesmen regard the irregularities by which it is gained; never reflecting, till disappointment quickens apprehension, that want of authority provokes the irregularities of contest, that distraction is seldom successful, that foresight is a quality more becoming the minister as well as the man than regret.

Among the thousand advantages, either of navigation, of fishery, or of commerce, that the conquerors insisted would result to England from this lucky achievement, Shirley recommended that to the Duke of Newcastle, which was probably regarded as the greatest of all. In July, 1745, he wrote to that nobleman; "Being the key of the colonies, Louisburg will give Britain an absolute command of them, if they should ever grow restive and become disposed to shake off their dependence; the possibility of which, however, seems to me at the distance of some centuries further off than I have heard it does to some gentlemen at home." But men who partake not of the celebrity of conquest never view its merits with favorable eyes. Knowles, who succeeded Warren as governor, remarked to the Duke, in July, 1746, "that the first accounts received by your Grace, of the strength and importance of Louisburg, were written while success warmed the breast, and then zeal is apt to run into enthusiasm;"

that, owing to the continuance of fogs and the frosts, the labor of twenty years and the expense of a million would not put the works in a defensible state of repair against a vigorous attack. The conquerors carefully published to the world the advantages and the glory of the conquest, while the honest remonstrances of Knowles were carefully concealed by those who hoped for fame from the actions of others. And the nation was taught to rejoice at an event that seemed to give a momentary lustre to the most unsuccessful of wars. By the recommendation of Warren, Pepperell was created a baronet, an honor which was due to his services and insured the attachment of his posterity. To Shirley, the projector of the enterprise, as well as to Pepperell, was given a regiment. The admiral, who claimed the sole merit of a conquest, which could have only been achieved by the joint efforts of all, was invested with the ribbon, the blushing emblem of military merit, since he had acquired wealth by the spoil of the Spaniards. And to the New-English was repaid the expense of the capture, amounting to £183,649, in order to encourage their future efforts, as they had convinced the world of their power. But it was only remarked by the few, that it was of little consequence to the state whether her battles were fought by the Swiss or the Hessians, by the Russians or Americans, if she paid for their services as mercenaries, rather than received their contributions as subjects.

The conquest of Cape Breton gave rise to the same policy and the same representations as had flowed formerly from the subjection of Acadia. In the same manner the New-English insisted that Britain ought to defend by her arms what they had acquired by their prowess. And Shirley urged the subjugation of Canada as a measure which could alone give perfect free-

dom and security to the colonies. In pursuance of these recommendations, Gibraltar was weakened by detaching two thousand men to form a garrison for Louisburg, who were afflicted with the same desolating sickness and perished by the same irresistible diseases as the conquerors. Amidst the bustle of war it was not perceived how little impression had been made on the French by this celebrated conquest, which formed a real diversion for the Spaniards; how much more Britain is generally enfeebled than strengthened by foreign acquisition.

In March, 1746, the ministers deliberated with regard to the conquest of Canada, which had been urged as the destruction of the French commerce of fish and furs, as a perfect security for the American possessions of England. But the Duke of Bedford, who now directed marine affairs, could not approve of the proposals of Shirley, which, by the Duke of Newcastle, had been submitted to his judgment. He represented to the secretary of state how imprudent it would be, to send twenty thousand colonists to plunder the Canadians, and to conquer their lands, "after the experience we have had of their conduct and principles, on account of the independence it might create in those provinces, when they shall see within themselves so great an army, possessed of so great a country by right of conquest." He advised "to place the chief dependence on the fleet and army to be sent from hence, and to look on the Americans as useful only when joined with others." After great consideration, the plan of the tories of 1711 was adopted by the whigs of 1746, without any change of circumstance for avoiding its faults or improving its deficiencies. It was determined to send a powerful armament against Quebec, by the river St. Lawrence, which was still considered as ob-

structed with rocks, at the same time that an army should attack Montreal by the lake Champlain. And so late as April, 1746, the Duke of Newcastle directed the governors of the several colonies to levy troops without limitation, which, when assembled on the frontiers, the king would pay and St. Clair would command.

But either domestic distress or predilection for European warfare blasted the projected expedition the moment it was formed. And, though the general was stopped, it was impossible to recall transmitted orders. In New England, which then contained seventy-five thousand fighting men, whose military ardor had been roused by recent success, it was easy to raise five thousand troops. As this army could not accompany an English fleet which never appeared, detachments were usefully employed in preparing for the reception of D'Antin, who conducted a powerful armament to the American coast, during the summer of 1746; and in reinforcing Nova Scotia, which had been invaded by the Canadians, while they were unconscious of threatened danger. The quotas of Virginia, of Maryland, and of Pennsylvania, of New Jersey, of New York, and Connecticut, amounting to upwards of three thousand men, were conducted to Albany. But what could reasonably be expected from men hastily collected, without a general, without martial law, without a military chest, without magazines. As Gooch, who was appointed chief commander, declined, Clinton assumed an authority, which seemed to devolve naturally on him, since he found an army in his province without a leader. His utmost efforts seem to have been unable to procure them subsistence, though he drew bills on the treasury of England. And, without performing any exploit equal to their numbers, or to the expectation of

will

their countrymen, they at length disbanded themselves, some of them with arms, demanding of their governors their pay, and others instituting suits against their captains. The disgrace that generally attends disappointment, the ridicule which the Canadians cast on a failure resulting from folly, were not the least evils that flowed from this abortive expedition. To the colonies, who had now learned to barter their services for gold, Britain repaid the fruitless expense, amounting to £235,817; which enriched them in the same proportion that it impoverished her. Foreseeing similar objections, Shirley wrote the Duke of Bedford, in February, 1748-9; "I could demonstrate, were there occasion, that, though the expedition did not proceed, the services done by the American troops during its dependency, did, in their consequences to the nation, overpay the whole charge."

Had Shirley been asked for his proofs, he would have probably referred to a circumstance, which was undoubtedly true; that Nova Scotia, when overrun by the Canadians, and invaded by the shattered armament of D'Antin, owed its safety to reinforcements from New England. When a languishing war drew towards a conclusion, because wealth was exhausted if rancor was not mollified, Knowles appeared with a small navy, at Boston, to consult how to disband the army, rather than to animate warfare. Being in want of mariners, he here endeavored to procure a supply, by means which are too often used to compel those whom no promises or reward can tempt. A rugged people, impatient even of just authority, instantly repelled violence with force. And the inhabitants of the capital ran to arms with a zeal and unanimity, to rescue their fellow-citizens from unwilling service, which they had hardly exerted against the invasion of a hated enemy.

Encouraged by the principal inhabitants, who hoped for benefit from their efforts, because they wished to derive that exemption from pressing from the fury of the multitude, which the West Indians enjoyed from act of Parliament, the insurgents easily set a feeble government at defiance. They seized the officers of the fleet as pledges for the safe delivery of their townsmen. They gave vent to their indignation by committing every popular outrage. When the militia refused to obey his orders, since they were infected with kindred zeal, Shirley thought it prudent to retire from the capital, where he was no longer safe, to the castle, which derived its security from its situation on an island rather than from the strength of its garrison. Happy to see the chief magistrate a degraded fugitive, "some high spirits began to question, whether his retiring should not be deemed an abdication." But, having at length gained their purpose, the most considerate members of the legislature thought it time to interpose, when they began to fear for their property from the triumph of tumult. In November, 1747, the delegates resolved "to stand by the governor and support the executive part of government with their lives and fortunes; that it is incumbent on every officer to exert himself in suppressing such dangerous proceedings." The townsmen, by a formal resolution, endeavored to cast the blame on strangers, and on "persons of vile condition." After having threatened bombardment, Knowles discharged most of the impressed inhabitants. Order was again established. And the chief ruler reëntered the seat of government with the exultation of victory, when he should have mourned the degradation of his sovereign in the insults offered to his person. When Shirley at length informed the Board of Trade of this "rebellious insurrection," he remark-

ed, the chief cause "of the mobbish turn of a town inhabited by twenty thousand persons, is its constitution; by which the management of it devolves on the populace assembled in their town-meetings." The few alone, who saw that an example was given to other commanders, how they pressed seamen at Boston, observed, that it was useless to rear a nursery, where the offspring, like the Spartan youth, could not be brought in aid of the state; and it answered only a bad purpose to give encouragement to fishermen, whose naval services could not be obtained, in the day of danger, either by force or influence.

Soured by the late spirit of tumult, the representatives convinced Shirley, after all his arts to show the greatness of his influence, of the dependency of his station. In November, 1748, they deducted one third from his annual salary; finding a pretence in supposed inability for want of inclination. He endeavored to no purpose to remove their objection of the distressed circumstances of the province, by showing, in a most satisfactory detail, that it was destitute of foundation; that, during the last twenty years, the numbers of the people had doubled, and there had been, therefore, an increase of five-and-twenty towns; "that it was an event unknown in history, that a country should be less in debt at the end, than the commencement of a war." Yet, of this happy circumstance there are examples enough in the traffic of the world. Communities, who fight the battles of others, because they never engage in hostility as principals, always grow rich by the result of the contest, either glorious or disgraceful. The Parliament granted to this colony, as its share of reimbursement for the capture of Cape Breton, £183,000 of real money, which probably was a greater sum than Massachusetts had spent of real wealth during the war.

Having instructed ignorance, and mollified obstinacy, Shirley had the influence, with the assistance of Hutchinson, to persuade the delegates to pay off, with this sum, almost two millions of the provincial debts. And Massachusetts now acquired the honor of giving an example to others, by freeing circulation from a depreciated currency, as she had formerly incurred the infamy of being the first to set before them a precedent how to grow rich by defrauding the veteran, the orphan, and the widow. Yet the three other New-English settlements did not tread in her laudable footsteps. And the assembly not only prohibited the circulation of their bills, but instructed their agents to apply for an act of Parliament, "to suppress the whole paper of New England;" thus showing, by their present conduct, how much they approved that maxim of their fathers, which taught them never to object to the precept of the supreme legislature, when they hoped to gain from the practice of it.

CHAPTER XIX.

NEW HAMPSHIRE.—Evils of Union with Massachusetts.—Application for a separate Governor.—Wentworth is appointed.—His Policy.—Grants by the Assembly.—Committees to manage War Affairs.—Expenses reimbursed by Parliament.

FROM the commencement of the present reign till the year 1741, the province of New Hampshire suffered, in a high degree, all the inconvenience and the vexation of a twofold dependency. The provincials at once owned subordination to England, and yielded obedience to the commands of a governor, who, residing at Boston and ruling Massachusetts, naturally sacrificed to the gratification of the greater colony the interests of the smaller. Under the short but manly administration of Burnet, the grievances arising from the unhappiness of their situation were in some measure corrected by his attention and his prudence. Under his fanatic and rapacious successor, they were at first happy, because they hoped for much from his attachments, and ultimately miserable, since they had experienced disappointments. When the governor and lieutenant-governor disputed who had a right to command, men found excuses for their disobedience in the uncertainty of jurisdiction. And during the contest of Belcher and Dunbar, insurrection naturally sprung from the settled contempt of the colonists for a government distracted, and therefore feeble. Having long groaned under the tyranny of Massachusetts, they at length seized the opportunity of the altercations as to

the settlement of boundary, to petition for a separate governor. To the king they represented, in August, 1739, how much they had been formerly oppressed, how defenceless they at present were, and they prayed for that protection which they could not expect, while ruled by the same person as a neighbor, whose inclinations to injure them experience had shown to have been equal to the superiority of her power. The Board of Trade gave it as their opinion, "that it could not be for the happiness of the people, or the interest of the sovereign, to annex New Hampshire to Massachusetts, as prayed for, since it was daily seen, that neither the royal orders, nor the laws of navigation, meet with a cheerful obedience in any of the charter colonies." But the continued complaints of interest and of faction were at last cut off by the decisive influence of Bladen, who advised the Duke of Newcastle "to put New Hampshire under a different governor; since the two provinces have had eternal disputes, and the smallest had been extremely oppressed by the greatest." Such was the ultimate consummation of the wretched policy of appointing one ruler for several settlements, without uniting jurisdiction, which commenced during the reign of William, which, in every succeeding administration, introduced all the ills that result from imbecility and dispute, from disobedience in the governed and degradation of the government.

Of this inconsiderable province, inhabited by twenty thousand planters, the annual value of whose exported products amounted to thirty-five thousand pounds, Wentworth, a native of the country, a man of sufficient ability and discretion, was appointed governor, in June, 1741, with the accustomed powers. When he assumed, not long after, the administration, he discovered, what might have been expected, from the native prin-

ciples of the provincials and the long continued maxims of their government. "He found scarcely the shadow of prerogative, as the whole had been changed into the privilege of the people." And he did not promote his own ease, because he roused opposition from every quarter, when he determined "to introduce gradually the rights of the crown." Pleased with novelty, and unacquainted as yet with his purpose, the assembly of 1742 seem to have performed all that was expected of them. They established for him a salary of five hundred pounds a year. They provided for the security of a defenceless province, by issuing twenty-five thousand pounds, in paper bills. But it was the skill of an English engineer, which completed the repair of their fortifications. It was the warlike stores sent from England, of the value of five thousand pounds, that furnished them with cannon. And internal quiet was for some time preserved, while the minds of every one were engaged in repelling the pretensions and attacks of their neighbors on the south, artful and pertinacious.

Animated, perhaps, by the ardor of the times, the assembly concurred, though with no great zeal, in the capture of Louisburg and the expedition of Canada, while they provided for the defence of their frontier. But they had learned from their fathers how to seize every opportunity of design or accident, to promote their own interest. They committed the management of the war to committees, appointed by themselves; "whereby," said Wentworth, in the height of his mortification, "the expense is increased, the prerogative is set aside, the governor's authority is rendered useless, and the assembly is placed in a state of independence." Aware of the dangerous tendency of conduct, founded in principles of permanent operation, the chief ruler

attempted, without effect, "to restore the constitution ; for then the language of the delegates was, unless we have the appointment of committees, we will make no grants." And feeble must have been the hostile efforts of a province, "where the execution of the royal orders depended more on the humors of the assembly, than on the governor, to carry them into execution." Yet the Parliament, willing to encourage moderate exertions, reimbursed their expenses in taking Cape Breton, and in preparing for the conquest of Canada, though they seem not to have applied the money, as justice dictated and the Board of Trade advised, to the liquidation of their paper and the discharge of their debts.

CHAPTER XX.

THE COLONIES. — Treaty of Aix-la-Chapelle. — State of Affairs during the War. — Assumption of Powers by the Assemblies. — Parliamentary Regulations respecting Commerce. — Paper Money. — Delays of the French in carrying the Treaty into effect. — Their Policy in regard to a Line of Forts and to the Six Nations. — Shirley and Mildmay, Commissaries in relation to the Treaty. — Boundary of Acadia. — Halifax settled. — Grants on the Ohio River. — Niagara. — Renewal of the Treaty with the Six Nations. — The French burn the Capital of the Twigtwees. — Their Encroachments in the West. — Dinwiddie's Mission of Washington to them. — Their Rights considered. — Their Purposes. — Washington appointed Commander of Forces. — Surrender of Trent's Men. — Jumonville. — Fort Necessity. — Dinwiddie's Complaints. — Congress at Albany. — Similar Project at Whitehall. — Campaign of 1755. — Comparative Strength of Canada and the Colonies. — French Reinforcements intercepted. — Braddock's Defeat. — Failure and Acts of Shirley. — Battle at Lake George. — Conquests in Nova Scotia. — Expulsion of the Acadians. — Campaign of 1756. — Shirley superseded by Lord Loudoun. — Reimbursements to the Colonies. — Johnson's Operations. — Oswego captured. — Attempts of Parliament to control Appropriations. — Campaign of 1757. — Surrender of Fort William-Henry. — Campaign of 1758. — Secretary Pitt. — Capture of Louisburg. — Repulse of Abercromby. — Capture of Fort Frontenac. — Forbes's Expedition. — Campaign of 1759. — Capture of Quebec. — Successes of Amherst. — Capture of Niagara. — Campaign of 1760. — Surrender of Montreal. — Supplies furnished to the Enemy by the Colonists.

THE various events of the war of 1739, disgraceful rather than disastrous, are known to the world. When the belligerent powers were at length exhausted much more than subdued, they inclined seriously to peace. And a treaty was concluded, at Aix-la-Chapelle, in 1748, the great principle of which ought to govern every pacification, if the interest of nations, more than the hopes and the fears of statesmen, directed the consultations of states. Nothing could be more wise, be-

cause it was moderate, than the general stipulation, that each party should again enjoy what he had possessed prior to the war. Cape Breton was, therefore, restored to France, though, perhaps, neither of the disputants wished to retain a territory, which no labor could fertilize, which no expense could render defensible against a regular attack, as the climate opposed every human effort. Georgia was finally established as a frontier for Carolina. But, while Spain thus sacrificed her jealousy to peace, France was allowed to retain Crown Point, Niagara, with other encroachments; and, what was of more malignant consequence, the principle by which she had justified them, was tacitly acknowledged. England, however, was obliged to submit to mortifications, because, owing to a thousand causes, her success had been unequal to her efforts.

The desert province of Georgia, with the safety of Carolina, seems to have been all that she gained, at the cost of a national debt of one and thirty millions and the loss of reputation, more grievous than the burden of its annual incumbrance. The New-English alone, of all the colonists, appear to have engaged in the contest with zeal, because they had learned to enrich themselves by exchanging their military services for substantial gold; by acting as the mercenaries rather than the subjects of a great empire. Defended by the fleets and armies of Britain, the colonies suffered little from the attacks either of the Spaniards on the south, or from the French on the north. Nor were the colonial frontiers greatly infested by Indian depredations, since France found it her interest to maintain a neutrality with the six confederated tribes, and the people of Albany, actuated by the spirit of their fathers, concurred in her policy. Though it was a war commenced in America to support provincial claims, the

planters neither exerted their whole force, nor, like the parent country, entailed on their posterity lasting incumbrances. By a traffic illicit and undutiful, they even added to their opulence, while their fellow-subjects in Britain pledged their property for the payment of the annual interest of a million. And the Board of Trade could only lament, "that the illegal commerce carried on from Rhode Island by means of flags of truce, though it has had very pernicious consequences, has yet of late prevailed generally in the plantations." At the same time that wise men perceived, "that this evil will end with the war," they saw political ills introduced by it far more dangerous, because they seemed to be of more lasting operation. Every assembly, when asked for reasonable aid, seized the welcome opportunity of public distress to degrade the royal prerogative by assuming the executive powers of the prince; to encroach on national jurisdiction, by departing from the subordinate station of local legislatures.

Urged by native principles, and encouraged by continual neglect, the provincials had found occasions enough, amidst the hostilities of William and Anne, during the tranquillity of George the First, to promote their favorite purposes, by means already explained. By an easy progression, they had gradually abrogated their original constitutions, prior to the war of 1739, with a view to enjoy, in the northern settlements, direct independence, in the southern, all its advantages without the name. Of present obstruction and of future danger, successive ministers had been warned, though none had been roused by a just regard to their master's authority, or by a proper sense of rational interests. Informed by twenty years' experience, Colonel Bladen assured the Duke of Newcastle, in October, 1740, "that

Massachusetts is a kind of commonwealth, where the king is hardly a stadtholder." Perceiving the tendency of common practices, Wentworth wrote the Board of Trade, in June, 1747, "that it was necessary to convince the people of the plantations, that a state of independency does not become those who ought to be so dependent, since New Hampshire, having been so long under the same governor with Massachusetts, had assumed the same form of government." We have observed the colonies of the south copying, with forward care, during every period, the flattering example of the New-English. The continued contests of New York, originating in this fruitful source, induced the Board of Trade to represent to the cabinet ministers, in April, 1752; "Such encroachments have been gradually here made upon the legal prerogative of the crown, that many of the most essential powers of government have been transferred to the assembly." Having accurately reviewed the origin and progress of a five years' insurrection in the Jerseys, the Board stated to the same ministers, in June, 1750, "that, as the people of this province are in a particular manner by principle adverse to kingly government, they have taken every opportunity of trampling on the authority of the crown, and did not fail to make every advantage of a jurisdiction so absolutely placed in their own hands." Of the Pennsylvanian assembly, Thomas wrote the Board, in March, 1741, "that they were so intoxicated with power, that no body of representatives had ever made so bold an attempt to seize the whole authority of government." Like other chartered colonies, Maryland yielded little obedience, during the same period, to a supremacy, whose coercion she had seldom felt. From the recent proceedings of the assembly, Bishop Sherlock thought he had cause to remark; "It was not till

the year 1748, that Virginia, formerly an orderly province, showed they had nothing more at heart, than to lessen the influence of the crown, when an act was passed, by which the patronage of all the livings was taken from the king and given to the vestries." From North Carolina, Johnson wrote the Board, in June, 1746, "that he could not conceive how government can be kept up, as the officers were obliged to live dispersed, on small plantations, for subsistence, as their salaries had been eight years in arrear." When Glen recommended Græme to the Duke of Newcastle, in October, 1748, as a proper attorney-general for South Carolina, he remarked ; "that he is not of the levelling principles, that prevail too much here ; where, by a long, loose administration, the constitution seems to be quite forgotten, and the whole frame of government is unhinged." Yet it was a consideration of universal disorder, the progressive declension of the national influence, and the consequent debility of the political systems, rather than any special information, however pointed, which induced the Board of Trade to represent, in June, 1748, "that the people have taken advantage of the necessities of government, not only to appoint committees for the disposal of public money, but to carry this encroachment to such a height, as to become just matter of complaint in all the northern colonies ; and to put a stop to it, in time, well deserves the attention of the king's ministers, and may, perhaps, require the interposition of Parliament." But the Duke of Newcastle not long after retired from difficulties, which he probably thought invincible, after having governed the colonies during that disgraceful period of colonial annals, extending from 1724 to 1748 ; leaving others to extricate what his expedients had contributed so much to embarrass.

During this lamentable state of encroachment on the one side and of recession on the other, the Parliament turned their attention to commercial policy, rather than to political regulation. Without inquiring, whether the colonial population declined or advanced, they gave encouragement to settlers; never once reflecting, that it could answer no useful purpose to people distant provinces, which yielded unwilling obedience to their laws. They promoted the culture of silk and the importation of iron in its ruder state, but they prohibited minute manufacture. They gave bounties to the importers of naval stores from the plantations, in order to render the nation dependent on them rather than on foreign countries; contrary to the genius of commerce, which delights to buy where commodities are cheap and to sell where they are dear. 'Informed that the efforts of prerogative had been opposed in vain to the continued frauds of depreciating currencies, the supreme legislature, with the true spirit of superiority, declared, "that it shall not be lawful for any assembly in New England to issue any new paper bills, or to prolong the circulation of the old, which shall no longer be deemed a legal tender in discharge of just debts. The practice of circulating paper having commenced at Boston, in 1690, the New-English taught the southern settlements, with other lessons, this fraudulent project. And complaints having been urged against Rhode Island, for which no ordinary redress could be found, this law was restrained to New England, as an exemplary punishment, though the other colonies, if we except Virginia, had involved themselves in equal guilt.

Nations which stand opposed to each other, no less by sense of ancient injury than by the dictates of present interest, seldom sheathe the sword but with

design to draw it, when the pressures of war are no longer felt. The peace of Aix-la-Chapelle was scarcely announced, when the mysterious conduct of the French disclosed all its defects. In the West Indies and the East, they delayed to perform stipulations, upon such pretexts as may be always found by a litigious party. During the same moment that Louisburg was punctually restored by Hopson to Deshorleier, a Canadian officer took possession of the isthmus which connects Nova Scotia with the continent, claiming it as part of Acadia. While they thus menaced the eastern frontier of New England, they strengthened Crown Point, in order to overawe the northern borders of New York. As early as April, 1749, Galissonnière, the governor of Canada, detached Celeron with a body of troops and Indians, to penetrate by the St. Lawrence and the western lakes, to the river Ohio; partly in order to chastise or debauch the Indian allies of England, but more with design to take possession of the neighboring countries, so as to confine the British provinces between the Atlantic Ocean on the east, and the Appalachian mountains on the west. Galissonnière's policy, with regard to the six confederated tribes, was profoundly mischievous. Pretending, contrary to the express stipulation of the treaty of Utrecht, that these cantons were independent states, because they had never consented, he refused to deliver their captive sachems, unless they treated separately with him. He sent the council of the confederacy, at Onondaga, copies of the letters of the governors Shirley and Clinton, which claimed their country as English territory, and their persons as English vassals. Suggestions so finely calculated to alarm a jealous people, did not fail to inspire an uneasiness, which the singular address of Johnson could alone have removed. Notice

of practices, so inconsistent with the duties of good neighborhood and the law of nations, was instantly transmitted to England. But it was the assembly of Massachusetts who beheld with most concern "those insolent intrusions," and advised, during the moment of alarm, "that the neighboring provinces should be informed of this common danger." Impressed with "the dread of even the most distant prospect of being subjected to the tyranny of France," they sent an address to the king; thanking him for former protection, and begging, "that no breach may be made in any of the territories of the crown on this continent."

While Shirley transmitted, in April, 1749, the vigorous proceedings of the assembly to the Duke of Bedford, who now occupied the place of the Duke of Newcastle, he gave that minister warning "of the particular encroachments now making on this continent by the French." He strongly recommended the measure of erecting a line of frontier garrisons, as the assembly had proposed, but not at the king's expense. "For," said he, "I think it as reasonable that it should be performed at the joint charge of all the colonies, as that the fortress of Portsmouth should be maintained at the expense of the people of England. The circumstances of the British subjects on this continent are now such, that making them contribute so much towards their common security could not reasonably be thought laying a burden upon them. And I think this request of the assembly seems evidently to demonstrate the necessity of erecting and garrisoning such fortresses as they desire, under the direction of the king's engineer, and the command of officers to be immediately appointed by himself; but that a tax for their maintenance should be laid by Parliament upon the colonies, without which it will not be done." For

the vigor of action was now substituted the policy of negotiation. Lord Albemarle presented to the French court the warmest remonstrances against the delays, and pretences, and practices of her colonial officers, which were partly denied and partly explained. The French king himself condescended to express to the English ambassador his concern, that any cause of offence had arisen; and professed the purity of his intentions and the sincerity of his pacific purposes. He who considers, however, the systematic energy with which France pursued her projects, from the conclusion of the peace to the commencement of the war, for establishing, with the most dangerous design, a continued chain of posts from the confluence of the St. Lawrence to the mouths of the Mississippi, will perceive the difficulty of reconciling French assurances with French sincerity. He will find it impossible to save that monarch's personal honor, or to acquit his counsellors of the disgraceful imputation of deliberate falsehood and purposed perfidy, without supposing, what was probably true, that the ministers did not among themselves agree; that, while the secretary for foreign affairs wished sincerely to execute the late treaty, and to preserve the continuance of tranquillity, the director of the marine department breathed nothing but war.

Amidst renewed remonstrances and additional explanations, Shirley and Mildmay were sent to Paris, in April, 1750, to fulfil what had been unwisely reserved by former treaties for the discussion of commissaries. All the research and learning of both nations were now employed to support the American rights of both. Yet, how amusing is it, in perusing their bulky memorials, to remark, that both French and English statesmen threw out of the argument one document, that seemed

to decide the intricate controversy. The present question arose from a clause of the treaty of Utrecht, by which France yielded to Britain Acadia, according to its ancient limits. The intention of the contracting parties could only have been, the one to grant, the other to receive all that the French had at any time possessed, under the famous name of Acadia. The inquiries of each should have been directed to discover this genuine subject of discussion. And it would have been found in the charter of Henry the Fourth, by which he appointed, during the year 1603, De Monts governor of the American coast, extending from the fortieth to the forty-sixth degree of north latitude, under the denomination of Acadia, including the immense tract from the St. Lawrence to the Delaware. The English thought it imprudent to derive any advantage from a grant prior to the patents of Virginia. The French perceived, that it included too much to allow them any part of the peninsula of Nova Scotia, which they had lately occupied and at present claimed. What can be more worthy of blame, than the continued neglect of Nova Scotia, from the peace of Utrecht to that of Aix-la-Chapelle; except, indeed, the general inattention to colonial affairs? What can be more puerile, than to enter into learned arguments, where there is no judge to decide, were there any acknowledged principle to direct? The negotiation continued so long in fruitless inquiries, that the Board of Trade, who had been properly intrusted with the original conduct of it, at length inquired whether the commissaries resided at Paris or at London.

During this tedious negotiation, both parties adopted the most active operations, though it had been previously stipulated, that neither should make any settlement on disputed territory till the conclusion of treaty.

In order to secure Nova Scotia, and to give a barrier to New England, a military colony was conducted, by Cornwallis, in 1749, to Chebuctou, which immediately took the name of Halifax; which in five and twenty years cost Britain £695,220, without yielding a penny. With a view to extend the settlements of Virginia and to open a field for the Indian trader, there was granted at the same time to a great company of merchants and planters, an immense tract of territory on the eastern banks of the Ohio. Perfectly informed of affairs, and "too well acquainted with the dissensions in the colonies," the French exerted their wonted activity to disappoint every project of England, by deriving every advantage from contest. During the year 1750, they continued to debauch her Indian allies, by every mode of attention, while that useful but ardent people were resigned, in some measure, to neglect. They enlarged the trading-house of Niagara into a fortification, which, being situated on the strait that connects the lakes Ontario and Erie, formed the key of the Ohio; notwithstanding the opposition of the Six Nations, whose country they occupied, and the remonstrances of the governor of New York, who sent Cuyler to protest against their enterprises. Alarmed, at length, when they saw a hated rival settling on their frontier, the assembly enabled Clinton, in December, 1750, to renew, with the confederated tribes, the ancient covenant of friendship, which is always sealed with the delivery of presents. And he prudently invited all the governors to attend at the proposed treaty, in order, by their presence and their bounty, to add weight to his measures, and to gain all the advantages of union. But every assembly, except those of Massachusetts, Connecticut, and South Carolina, refused to contribute to an expense, which they did not regard as beneficial to them. "For

this neglect, Clinton could give no other reason, but the penurious temper of the American assemblies, and the private views of the traders, who, in each colony, wished that the treaties might be held in their own vicinity." In July, 1751, that officer renewed the ancient alliance with the Six Nations; who promised perpetual amity, who engaged to interrupt the projects of their common enemy, though they at the same time insisted, with a shrewdness which ought to have quickened the apprehension of others, that the Canadian encroachments could only be effectually stopped by the interposition of the great king.

Meanwhile the French continued steadily to pursue their purpose. In the beginning of the year 1751 they built vessels of unusual size at Frontenac, where the St. Lawrence rushes from the Lake Ontario. They detached bodies of troops towards the Ohio and the confines of Pennsylvania, in order to overawe or chastise the surrounding tribes and to expel, either by threats or force, the Philadelphian traders, who resorted thither in great numbers. The governors of Virginia and of Pennsylvania gave warning to their Indian allies of the approaching danger, supplied them with warlike stores, and sent them what was of greater importance, useful advice. Yet, while the English were holding treaties and delivering presents, the French, in prosecution of their purpose, surprised the capital of the Twigtwees, a powerful tribe, lying westward of Philadelphia, near the borders of the province. In June, 1752, they reduced their town to ashes, in order to give a dreadful example to the refractory nations; to show the itinerant merchants, whose persons they did not spare in their undistinguishing rage, that neither the stipulation of treaties nor the promises of kings could free them from danger while they resorted thither for envied gain. And here

commenced the war which was to decide whether the colonies were in future to belong to Britain or to France, while the commissaries were dreaming over fruitless discussions at Paris and the two courts were making mutual professions of peaceful regard.

Of that decisive event, of the retreat of the traders from the borders of Ohio, of the projects of France, of the general alarm in the colonies, the vigilant Dinwiddie sent information to the Board of Trade, in December, 1752. With their usual attention, they instantly communicated to the Secretary of State the interesting intelligence, stating the importance of taking possession of the eastern banks of that beautiful river, and the utility of sending presents to the tribes who wandered on its banks. While the ministers were preparing remonstrances, the French, with their usual alertness, actually took the field. In February, 1753, the governor of Canada detached twelve hundred soldiers and Indians from Montreal towards the southwest, by land and by ice. Having arrived in April at Niagara, Morang, their commander, showed by his diligence what was the object of the campaign. Having already secured the entrance into Lake Erie he now built, successively, the connective posts of Presqu' Ile, of Le Bœuf, of Venango, along the higher branches of the Ohio, forming communications by the cutting of roads, and seizing the country within the chartered limits of Pennsylvania. The confederated nations with their tributaries, the settlers along the borders of the middle provinces were all equally alarmed, because all perceived the danger. Having learned these interesting events from Dinwiddie, the Board of Trade represented to the king, in August, 1753, "that the crown of France having not the least pretence of right to the territory on the Ohio, an important river, rising in Pennsylvania and running through Virginia,

it was matter of wonder what such a strange expedition in time of peace could mean, unless to complete the object, so long in view, of conjoining the St. Lawrence with the Mississippi; that, his subjects having already abandoned their settlements, the lives and possessions of the people of Virginia, of Maryland, and Pennsylvania, in case of a rupture, must be greatly endangered." Urged by the vigor of the Board, Lord Holderness immediately despatched orders to the respective governors "to repel force by force," provided they found the French "within the undoubted limits of their province," and having first remonstrated against their unjust encroachments. To Dinwiddie he sent cannon and warlike stores, for the purpose of erecting forts on the disputed territory. And it was at the same time suggested to the various assemblies, of how much importance it was that a committee should be sent from each, in order to form a general treaty with the six allied tribes for all the colonies and to agree on common measures for common defence. What could be more wise or even vigorous in theory? The result determined what sagacity ought to have foreseen, that, in the practice of the world, where the consent of many is necessary the agreement of all can seldom be obtained, unless force is called to the aid of influence.

Dinwiddie, the able lieutenant-governor of Virginia, meanwhile, courted the amity of the Ohio tribes by those topics which are most persuasive with Indians. In return for his presents of arms and warlike stores, which were delivered them at the treaty of Winchester, in September, 1753, they promised their aid and allowed him to build a fortlet on the Monongahela, though they refused to make any grant of their lands. He sent Washington, a major of militia, to the commander of the French posts, to demand by what authority they

invaded the king's dominions; who, though he was young and inexperienced, executed his delicate commission with a perseverance, a boldness, and ability, which showed that he was born for the greatness of action. That plausible people were at no loss for an answer. With equal confidence they claimed the lands, extending to the sources of the rivers which empty themselves into the St. Lawrence and the bay of Mexico, as indubitably theirs, by right of first discovery and subsequent occupancy, which had been confirmed by the treaties of Utrecht and Aix-la-Chapelle. But the authenticity of their facts and the validity of their principle admitted of dispute. The law of nations had never determined, that the state which had explored and possessed the confluence of a river thereby derived a title to the lands lying around its source. Having been the first general discoverers of the northern continent, the English had first declared, by the charters of Elizabeth and of James, their purpose to occupy, from the Atlantic to the South Sea, what the fortune or address of Cabot had made known. Yet the ancient rights of the British nation, though strengthened by possession and acknowledged by treaties, had been somewhat invalidated by the building of Niagara during the late reign, and Crown Point during the present, in proportion as encroachments without opposition admitted the validity of the French principle. And the captious, not to say presumptuous conduct of the assemblies of Pennsylvania and New York, in doubting whether the recent proceedings of the Canadians offered an insult to the sovereignty of the empire, furnished the enemy with argument, if it did not urge them to perseverance. By expelling the traders, in order to enforce an exclusive commerce with the tribes, that busy people seemed to add insult to wrong, since

the pacification of Utrecht had expressly reserved an equal privilege of traffic among the Indian nations to both. Joncaire, who commanded at Venango, acknowledged to Washington, amid the hilarity of wine, "that their design was to take possession of Ohio and to send the traders into Canada; for, though they were sensible that the English could raise two men for one, yet they knew their motions were always slow, because their measures were generally distracted."

While a potent enemy thus avowed their purposes, the assembly which convened in December, 1753, refused Dinwiddie supplies, because they thought their privileges endangered, and "seemed easy on account of the French." Yet, urged no less by his zeal than by orders, the governor detached Trent to erect a fortlet on the tongue of land formed by the junction of the turbid Monongahela with the fair Alleghany. And he again called the assembly, in January, 1754, as the experience of a month had convinced him that even preparations for war are expensive. Indignant "that the French, in a hostile manner, should have taken possession of lands within the bounds of the colony," the delegates at length saw their interest and opened their purses. "After many arguments, they granted ten thousand pounds of their currency for protecting the frontiers;" but "the bill was so clogged with encroachments on the prerogative that Dinwiddie would not have given it his assent, had not the service required it." Yet they thanked the king for former favors and begged for fresh assistance, "that they might be enabled, effectually, to defeat the pernicious designs of the enemy." But, having heard of recent proceedings, the Board of Trade lamented "that the assembly should have availed themselves of such an exigency to propose a bill so inconsistent with his majesty's authority." In a province whose

population had doubled every five and twenty years, six hundred men were easily raised. North Carolina sent an additional regiment of four hundred and fifty. And two independent companies, which had long been maintained by the king in useless indolence at New York, completed the armament. Washington, who had shown great zeal for his country's rights, was appointed commander of this little army, that was to drive the French from Ohio, to chastise a perfidious foe, and to raise his own fame.

When Washington took the field, in March, 1754, he found an obstruction in every fence and saw an opponent in every planter; because the rules, or rather the license of war, had been forgotten during a century of peace. To Dinwiddie he complained "of the difficulties he had met with, occasioned by those who, had they acted as becomes every good subject, would have exerted their abilities to forward his designs." Having at length collected his forces at Wills's Creek, one of the higher branches of the river Potomac, he encountered obstacles which no prudence could prevent. The troops of North Carolina disbanded themselves; because every soldier demanded his promised pay of three shillings a day, before he would march against the enemy. The officers of the independent companies disputed with the commanders of the provincial corps, as to the rights of precedence. And mutinies daily disturbed the regularity of an army, since there was no martial law to punish the disobedient, thus incited by example. In such a situation what could have been expected from Tilly or Turenne, from Marlborough or Saxe?

Amid distractions, which show why the English are generally unsuccessful at the commencement of war, Washington received the unwelcome tidings, that Trent

had scarcely constructed his fortlet, when the French demanded possession. Having fallen down with the current from Venango, one of the forts which they had erected on the Ohio the preceding year, they appeared in such numbers as to render the defensive exertions of fifty men ridiculous. And, on the 17th of April, 1754, they obliged Ward to deliver up his post, which they denominated, immediately, Duquesne, claiming the country as theirs, yet professing pacific designs. Urged by intelligence, which seems to have scarcely drawn the attention of the colonies, though they saw a breach made in their western boundaries, Washington crossed the Appalachian mountains, in order to watch the motions of the enemy, if he could not repel their enterprise. On the 17th of June, he met Jumonville, with a reconnoitering party, whom he easily overpowered, whom he sent into captivity at Williamsburg, with the surviving partners of his misfortune. Having taken post on the Redstone Creek, an upper branch of the Monongahela, he was, in his turn, obliged to surrender Fort Necessity, by a disgraceful capitulation, on the third of July; De Villiers insisting that it had not been his intention to disturb the public harmony, but only to revenge the assassination of his officer. The few only remarked, "if this does not alarm the neighboring governments, nothing can; so that here is a necessity to go into the affair heartily, or to give it up entirely."

These adverse events induced Dinwiddie to call the assembly, in August, 1754. But faction had extinguished here a just sense of shame or danger. Though recent experience had demonstrated the bad consequences of want of discipline, they refused to pass a mutiny law. At the same time that they voted twenty thousand pounds, "they clogged it with a rider to pay a factious agent two thousand five hundred pounds,"

though he argued against this resolution as unparliamentary and unjust. And he prorogued them when they refused to provide tents and provisions for the three independent companies which had been generously sent to their aid. Urged by what he felt, that zealous governor assured the Board of Trade, "that it was impossible to conduct any expedition in these parts, with a dependence for supply on assemblies, without a British Parliament lay a poll-tax on the whole subjects in these provinces, to bring them to a sense of their duty." Yet Maryland at length granted him a quota of aid amounting to six thousand pounds; and New York sent him five thousand pounds, as her unwilling contribution. These sums, however, did not relieve him from "the pain of his situation, because he cannot effectually execute the king's commands, since he is so cramped by the very people he is endeavoring to save." Either ashamed of their late conduct, or at length convinced of danger, the assembly granted, at a subsequent session, twenty thousand pounds of their currency. They enabled him, by other vigorous measures, to prosecute his forcible opposition to the progress of the French, who had now nestled in his province. But, though he was invigorated by a remittance of twenty thousand pounds from England, he could only secure the passes of the mountains and provide magazines for future operations. And the penetrating Dinwiddie assured the Board of Trade, "that recent encroachments will never be effectually opposed, but by means of an act of Parliament to compel the colonies to contribute to the common cause, as the assemblies are either ignorant, obstinate, or independent." Such, said he, is the situation of this country, owing to the neglects of some and the infatuation of others, that, without the powerful aid of Britain, it must remain a prey to the French.

Meanwhile, a committee of the assemblies of the four New-English colonies, of New York, of Pennsylvania, and of Maryland, met at Albany, in June, 1754, in pursuance of the royal requisition of the preceding year. New Jersey, Virginia, and the Carolinas, with their accustomed spirit, either neglected or refused to send their deputies. To the congress "it seemed necessary to take the most speedy measures to secure the colonies from the slavery they are threatened with, as the French court have, since the last peace more than ever, made this continent the object of their attention." With great judgment they, in the first place, established the title of the crown of Great Britain to her transatlantic settlements, in order to demonstrate the reality of the late encroachments of France on Nova Scotia, Maine, and New Hampshire, on New York and Virginia. Having discovered, "that there had been a great neglect of the Indians, whose friendship had been improved to private purposes," they now renewed the ancient covenant of friendship for all the settlements, though without gaining their end. The tribes remained dissatisfied, because their lands had been invaded; and they not long after applied for a neutrality to the governor of Canada, since they feared one of the belligerent powers as men at the same that they despised the other as women.

When the congress reflected "how much the French affairs are under one direction, while the British colonies had never entered into any joint exertion or counsels," they determined "to apply to Parliament for an act whereby a general government may be formed, yet each colony may retain its own constitution." The system, which this effort of associated wisdom had framed, consisted of a legislative president-general and grand council; the president to be appointed and

supported by the crown, the council to be chosen by the respective assemblies and to be composed of forty-eight members. The convention, thus chosen and thus animated, was to meet once a year, or oftener, or when the members should be called by the king's representative, he having first obtained the consent of seven of themselves. The president and council were invested with authority to direct Indian affairs, to make war and peace with the aborigines, to raise and support armies, to establish universal laws, with a condition that they should not be contrary to those of England and should be transmitted for the royal assent. The executive power was invested, partly in the president-general and partly in the grand council. The president was authorized to assent to laws which he was to execute, to appoint military officers with the consent of the council. All civil officers were to be created by the council, with the president's approbation. Of so much importance was this characteristic project considered by the congress, that they declined to concert any other modes of defence till they heard whether the Parliament should give permanent energy to what their democratic genius had created. While De Lancey insisted that a plan of union became every day more necessary, he assured the Board of Trade, "that it was the general opinion, during the congress, that the colonies would differ in their measures and disagree about the quotas, so that the Parliament must compel them, otherwise it will not be done." The ablest of the governors, Shirley, Dinwiddie, and Dobbs, gave notice at the same time to the ministers, "that since the assemblies will not agree on any permanent fund it must consequently be established in England; and the only effectual way of doing it will be by act of Parliament, by assessing each colony in a sum certain, in which

measure there is reason to believe the people will readily acquiesce."

It is a remarkable fact, that while the congress were thus settling a plan of union at Albany, the Board of Trade were employed, by order of their royal master, in the same important business at Whitehall. The project of this respectable body, which had been presented before the other arrived, was, extremely similar, though it was, perhaps, more faulty than the former, because it was more complex. The proposed measure of the Board was to originate from prerogative, that of the congress was to derive its existence and its spirit from Parliament. Neither scheme was adopted by an administration who seem to have cautiously avoided all political regulation as either dangerous or unnecessary. And there were statesmen enough in England, who, having long beheld the colonies proceeding onward, by a natural progress, to a state of self-command, regarded the plan of union of the congress as the keystone of that fabric of independence which the assemblies, for years, had been diligently building.

Perceiving, from the unfortunate events of the year 1754, that expedients were fruitless, that delays might prove dangerous, the ministers prudently set down to count the combatants who could be brought into battle. The Board of Trade presented to their sovereign the number of inhabitants, which each of the continental colonies were supposed to contain. And it now appeared, from the most accurate calculation, that, owing to the various causes which have been already explained, their populousness had swelled, with a progress uninterrupted and a rapidity unexampled,

to	-	-	-	-	1,192,896 whites,
					292,738 blacks,
					<hr/> 1,485,634 souls.

From this enumeration we ought to infer, that those plantations could have mustered, when hostilities began, 240,000 fighting men, who were abundantly able to repel the attacks of every enemy, if numbers alone constituted power. On the other side, Canada, having grown up stunted and unprosperous, contained, in all her far extended settlements, not more than 90,000 souls, exclusive of eight thousand domesticated Indians. But they all obeyed the will of one man, who directed their efforts to one point; and, from their mode of life, they were better qualified for the active enterprises of war than the deliberate operations of peace. Yet Virginia, the first in power, Massachusetts the next, Pennsylvania the third, and Maryland the fourth, were each more potent than Canada, had they enjoyed the same vigorous government, the same union of purpose, and the same zeal for a cause, more interesting, surely, to freemen.

But no plan was adopted, by which the conjoined strength of the transatlantic provinces could be drawn into action, because it was perceived, that any effective measure must derive its energy from the Parliament, which held out terrors to the venal and the weak. Notwithstanding the advice of the most experienced governors, the ministers seem to have assumed, during the present struggle, the same policy that had been advised by the Duke of Bedford, during the last; to rely chiefly on the exertions of Britain, and to consider the efforts of the colonies, disjointed and therefore feeble, as only secondary to them. In prosecution of this policy, Boscawen and Mostyn were sent, early in the year 1755, with a powerful fleet, into the North American seas, in order to intercept the reinforcements of France, who executed their orders with the usual promptitude of sailors. Braddock, who was at the

same time appointed commander-in-chief, sailed to Virginia with two regular regiments, which had been repeatedly asked by Dinwiddie, as essential, if success was expected. And without adverting to intelligence, which gave warning how little the royal requisitions were regarded, the assemblies were requested to raise troops and to grant supplies for the removal of encroachments, that had invaded their frontiers, disturbed their peace, and endangered their safety.

Braddock, in a convention of governors, settled the plan of the campaign of 1755. The general undertook to drive the French from Ohio. Shirley was appointed to attack Niagara. Johnson, who was at the same time appointed sole superintendent of Indian affairs, was placed at the head of the expedition against Crown Point. And Lawrence had already engaged to expel the intruders from Nova Scotia. What could be more wise, than, by one general coöperation, to assault an enemy, active and well-directed, on the scene of their four principal encroachments, and by one spirited exertion to decide a controversy by force, which had been so long embarrassed by argumentation. But to propose is always more easy than to execute. Where the consent of many is requisite, coalition can seldom be obtained, either by the artifice of management or even by the pressures of necessity.

Having surmounted, by his vigor, the difficulties which Washington had encountered the preceding year, Braddock arrived on the banks of the Monongahela, on the 9th of July, 1755. When his advanced guard of three hundred chosen men had penetrated within seven miles of the object of his struggles, they were unexpectedly attacked by two hundred French and six hundred Indians, who lay concealed to intercept them. This alarming assault brought up the

general with a thousand men and the artillery, in order to support his detachments, which fled in dismay. The repulse of the van, the screams of the savages, as horrid as they were unusual, struck the army with one of those unaccountable terrors, from which the best disciplined armies are not altogether exempted. The officers, whose gallantry merited a better fate, tried every military expedient to restore order without effect. The soldiers fired on each other, and fled; sacrificing their women, their brave commanders, the military chest, the artillery, to their unmanly fright. The fame of Braddock has been unjustly sullied, partly by ignorance and partly by design. The manner of his march showed the skill of an able general; his choosing Washington as his aid-de-camp, who knew the country and the nature of the service, disclosed the reflection of a statesman, and his final fate, which was owing not so much to surprise, as to one of those accidents which no foresight can prevent, evinced that he could die, since he could not reclaim a degenerate soldiery. What could be more wise, perhaps more happy, than the leaving of the main body to be brought up by Dunbar, since numbers had only added to the universal dismay, their provisions had been relinquished in the disgraceful rout, and want had destroyed in the wilderness, what the sword had spared in the flight. Perceiving that the provincials deserted in corps, that he could expect no reinforcements while his men were yet under the influence of terror, the cautious Dunbar retired into the settlements; leaving a small garrison in Fort Cumberland, for the defence of their frontiers. "The fatal defeat of Braddock raised an universal consternation in the middle colonies." And they could, therefore, make but feeble efforts for the protection of their deserted borders against the Indian incursions,

while Dunbar marched, during the month of August, into winter quarters, inglorious and disgraceful, in pursuance of the contradictory orders of the commander-in-chief.

By the death of Braddock, the supreme command devolved on Shirley, who seems to have been thought equal to every station, civil and military. Yet, far from being able to attack Niagara, he could only throw reinforcements into Oswego, which had been built on the eastern bank of Ontario by Burnet, thirty years before. In his enmity to Johnson, Shirley was the first who gave regular pay to the tribes, in order to engage their military services. And the campaign of 1755 forms an era in the history of savage life, when the hardy warrior, having acquired a taste for the refinements of luxury, fought, not as formerly, for fame, but for money, which he now considered as the price of all that his immoderate desires could covet.

While Shirley, by his envious intrigues among the Six Nations, endeavored to lessen his influence, Johnson conducted, by cautious steps, about three thousand provincials, drawn from New England, from New York, and the Jerseys, towards Crown Point, the encroachment, which, placed near their borders, had given those colonies peculiar offence. He was opposed by Dieskau, a German officer, the favorite of Saxe, who, by his recommendation, now commanded the regulars, the Canadian militia, and the Indian allies of France. In prosecution of their different designs, they met near Lake George, on the high grounds which formed the carrying-place of twelve miles between Hudson's River and Wood Creek. On September 9, 1755, three distinct actions were fought. A reconnoitering party of twelve hundred men, conducted by Williams, were attacked in the morning, and rather too

easily routed, though they were properly sustained. It was here, that the faithful tribe of Mohawks, who were led by Hendrick, their famous sachem, and by regular captains, showed the provincials, by their brave example, how to fight and conquer. In the hour of mourning for the slain, they complained that they had been sacrificed to the cowardice of their allies. And Johnson candidly admitted, "that, from the most impartial accounts, they had reason, as every one of their officers who was in the action was killed." Dieskau pursued the fugitives to their camp, which was surrounded by a breastwork of trees and defended with cannon, expecting, from the experience of the morning, an assured victory at noon. The numbers of the combatants, amounting to rather more than two thousand, were now nearly equal. The grenadiers of France made the principal attack, with the bravery and perseverance of soldiers, who fight for the reputation of their corps, without making the least impression. But their principal officers, being either killed or wounded, and the Canadians and Indians giving way, they were at length repulsed, with considerable slaughter. Dieskau owed his defeat, his captivity, and his death, partly to his contempt for his adversaries, but more to the circumstance of his attacking with musketry defences sustained by artillery. Five hundred of the fugitives were met in the evening by three hundred provincials, as they hastened to the assistance of their friends, under the conduct of McGinnis, who bravely routed the enemy, but unhappily lost his life. Johnson, however, could derive little positive benefit from a victory, of so much advantage to his country, because it stopped the march of the French to Albany, and of glory to himself, since he had convinced the world that savages might be successfully opposed to savages, that the frontiers

might be defended by a militia against the best troops and officers of France. The Mohawks immediately retired to their country, notwithstanding the influence of Johnson, to mourn at home, according to their custom, the death of their departed sachems. The provincials deserted in companies, since there was no law to restrain them. And having, with their usual improvidence, formed no magazines, the disunited provinces found it impossible to supply with provisions the numbers which flocked to his standard, either to recruit his army or to share in his glory. It is by looking into minute circumstances, that we discover the genuine causes of the loss of battles, and the failure of expeditions, which are but too often attributed to the incapacity of officers.

In Nova Scotia, Lawrence attacked the French with the same promptitude that had insured them similar success at the commencement of the war of 1744. And he detached, before Contrecoeur, the commander of Louisburg, had heard of hostilities, Monckton, with two regular regiments, to the bay of Fundy, in order to execute what had been intrusted to him. On the 16th of June, that judicious officer compelled the fort of Beau-Sejour to capitulate, and on the subsequent day he gained possession, with equal ease, of the principal settlement on Bay Verte, which gave him complete command of the isthmus of Nova Scotia. Having thus repelled French encroachments, Lawrence immediately executed a measure of great delicacy, and of lasting consequence. When the treaty of Utrecht granted Acadia, according to its ancient limits, to Britain, the Acadians, who had possessed it from the year 1605, were equally transferred as the subjects of Britain. The conduct of the conquerors had gained little of their attachment, and the subsequent inattention of ministers

had confirmed their antipathies. Indulged in their prejudices and resigned to the government of priests, who were instructed by the Bishop of Quebec, from whom they derived their stipends, the Acadians remained in a state of professed neutrality. But they seized every opportunity to join their countrymen amid subsequent hostilities, and to supply them with provisions during the intervention of peace. And they refused now to declare their attachment to the British government by taking the oath of allegiance, because they mistook continued neglect for a state of independence. Impelled by sense of safety, and urged by the rancor of the chief justice, Belcher and Lawrence formed a resolution, which necessity alone could justify. They expelled the Acadians, who have been at all times the sport of fortune, from their ancient possessions; sending them as captives to the various continental colonies, where they were received with the kindness of hospitality by some, by others with the malice of hatred.

Men who are taught to hope for much are delivered over to the mortification of disappointment. The events of the campaign did not give satisfaction to the people, because all had not been gained, which had been too confidently promised. The victory of Johnson did not compensate, in the public opinion, for the defeat of Braddock, though it was attended with more important consequences. The conquests of Lawrence were forgotten in the failure of Shirley, though they were attended with positive acquisition. But recent transactions, either happy or unfortunate, gave that kind of satisfaction to the French, which men feel who meet with a justification for a predetermined measure. They made every European court ring with complaints of the unprovoked attacks of the English, yet observing

the most profound silence with regard to their own conduct during the period of a captious peace, from 1748 to 1756, which offered a continued insult to the sovereignty of England. And the flames of war were lighted up in Europe, that soon extended their ravages to every quarter of the globe.

Amidst the interested intrigues of the cabinet and the factious contests of the nation, it was determined to execute the plan of the campaign of 1756, partly by the policy of laws and partly by the energy of force. The Parliament, taking notice that many foreigners, incited by former encouragements, had settled in the colonies; "that, in Pennsylvania, a great part of the inhabitants consisted of the people called Quakers, whose backwardness in their own defence exposes themselves, and that part of America, to imminent danger;" enabled the king to raise a regiment of four thousand men in America, and to grant commissions to foreign officers. The Parliament, remarking, that there are great numbers of indented servants, who may be willing to enlist, that doubts may arise, whether they can be legally enlisted, passed an act "for the better recruiting his majesty's forces on the continent of America;" declaring it lawful to enlist such servants, and giving a compensation to the masters; freeing volunteers from the process of law for petty debts, and providing adequate penalties for desertion. The martial law of the navy was extended "to such officers and seamen as shall serve on board his majesty's vessels employed upon the lakes or rivers in North America." He who chooses to investigate with precision the principle of the three acts of the session of 1756, will find, that, by the first, a considerable army was raised without the approbation of the provincials; that, by the second, their property was taken away without their consent, in order to avoid

the disputes that had arisen in the former war with Thomas, and in the present with Shirley; the severities of martial law were extended over the continental settlements, by which the delinquent was subjected to the punishment of death.

The contests of Shirley and Johnson, which had contributed to the disappointments of the preceding year, procured the recall of the former, because the influence of a successful commander generally predominates. Lord Loudoun found, upon superseding Shirley, in July, 1756, "that, from the condition and numbers of the troops left him, he could scarce hope to do more than to resist the French." Though the views of the colonies had been early fixed on a new expedition against Crown Point, yet, as Wentworth assured the Board of Trade, "all the governments appeared to be in a tumult on the first proposal of another attempt, on account of the great expense of the last; but his majesty's gracious intention of bearing a great part of that expense fortunately arriving, has caused that tumultuous temper to subside." The New-English had lately taught the other provincials the profitable lesson, which they had learned themselves during the last war, of exchanging their services for money. And in February, 1756, the Parliament granted, to the requests of the colonies, whose troops had defeated Dieskau, £115,000, not so much as a reimbursement as a bounty; more as an encouragement for future exploits, than as a reward for the past. From the happy moment of donation, the motions of the assemblies were hastened or retarded in proportion as they saw a prospect of compensation, till Secretary Pitt at length purchased their applause and activity, by subjoining to every requisition a promise of reimbursement. All nations have given stipends to mercenaries, as they

were successively pressed by necessity, or led by convenience. But Britain alone has subsidized her allies to engage them to fight their own battles, and her provinces to remove encroachments from their own borders.

Money did not, however, create that union among the colonies, which all had recommended as necessary, "yet none," as the Board of Trade remarked, "would stir one step to promote." At all times minutely informed of their affairs, the French took every advantage of their distractions and delays. Subsequently to the dispiriting defeat of Braddock, that active people spread continued devastation and murder along their defenceless frontier, by means of their Indian allies. Johnson, in some measure, retaliated, by sending out his Mohawks "to destroy and burn every thing belonging to the enemy." That able superintendent at length found means to pacify the Delawares and Shawanese, who had laid waste the western counties of Pennsylvania with a barbarous rage, though his measures were counteracted by those who ought to have enforced them. The same moment that he brightened the chain of friendship with the Delawares and Shawanese, who had been incited by the French to revolt against the Six Nations, their conquerors, Belcher, the dotting governor of the Jerseys, lifted up the hatchet against them. With the same tribes the Quakers of Pennsylvania carried on separate intrigues, in order to promote their own purposes, though Lord Halifax remonstrated, in the king's name, "that their extraordinary conduct, in the making of peace with foreign princes, and distinguishing themselves as a distinct body of people, was the highest invasion of his majesty's prerogative." Owing to these unnatural difficulties, the expense of Indian management from March,

1755, to August, 1756, cost Britain £17,446. And the commander-in-chief could only concert defensive operations at a time that real security demanded the most active efforts. While he was yet endeavoring to conciliate distraction and to incite sluggishness, Lord Loudoun heard that the French, with their usual alertness, had taken Oswego, the storehouse of the Indian trade, the bulwark of the Six Nations, with the naval armament on Lake Ontario, "owing to a series of bad circumstances." Fearful of their further advance, Webb retired from the Oneida carrying-place, the subsequent site of Fort Stanwix, towards the settlements, in order "to make his stand at the German flats," on the river of the Mohawks. And during that moment of alarm, Johnson exerted his influence in vain to prevent the confederated tribes from forming a neutrality with Canada, since they had lost their security, and perceived the weakness of their friends. While it was expected that the French, exulting in their own success and the division of their adversaries, would turn their arms against Albany by the route of Lake Champlain, Winslow, who commanded five thousand New-English in that vicinity, refused to admit the junction of the regular troops; and, instead of attacking Crown Point, could only erect Fort Edward, on the ground where Dieskau had met his fate the year before. "The capture of Oswego struck such a damp on the spirits of the people, that the flames of war seemed to expire." Malevolence may look into the futility of ministers, or the incapacity of generals, for the supposed causes of disappointments; but with such weapons, what battles could Alexander or Hannibal have won?

The disasters of the campaign of 1756, the disgraces in Europe, the contests of the great, almost deprived

the nation of government. Yet, during this season of domestic distraction and of foreign war, the colonies endeavored, with their ancient spirit, to derive every possible advantage from the embarrassments of the parent. And the national efforts were not more retarded by the contests of public bodies, than the efforts of the enemy were strengthened by supplies of provisions and warlike stores, which, since the commencement of hostilities, they had received from colonial traders. It was a consideration of practices at once undutiful and dangerous, that attracted the attention of Parliament, during the session of 1757. Having received the most exact details of the pernicious trade carried on from the plantations with the French, in opposition to the acts of some assemblies, the Parliament prohibited the exportation of provisions from the colonies during the war, or rather placed the regulation of this branch of commerce in the hands of the crown. Being informed "of the disobedience and desertion of provincial corps," the Parliament now enacted, "that all troops raised in the provinces by authority of the governments thereof, when mustered and acting in conjunction with the British forces, shall be liable, in the same manner, to martial law, and shall be subject to the same trial, penalties, and punishments." But, though "former mischiefs and doubts" were thus wisely removed, the defects of local legislatures still continued to embarrass command and to enfeeble exertion. It was not immediately perceived, that many independent colonies could form no joint army on ground beyond the limits of each, since the acts of assemblies did not extend to soldiers, who were placed without their jurisdiction. While Parliament thus extended to the colonies the efficacy of laws, they conferred the encouragement of bounty. The Commons

granted to the prayers of the Carolinas and Virginia £50,000, the distribution of which was, however, regulated by prudence. The Board of Trade assured Secretary Pitt, who condescended to ask their advice, "that experience had shown, that the granting money generally to assemblies is not the best way of giving real aid, and the parliamentary donation ought, therefore, to be granted to the king, to be applied under the inspection of the commander-in-chief."

While the Commons gave pecuniary assistance to assemblies, they wisely attempted to correct their forwardness. Of all the representatives of provinces, none had been more zealous in departing from the terms of their original constitutions and adopting practices which led to independence, than the delegates of Jamaica. Attracted, at length, by their pertinacity of conduct, the Commons resolved, in May, 1757, "that the resolutions of the assembly, so far as they asserted a privilege to raise and apply money without the consent of the governor and council, is illegal, repugnant to the governor's commission, and derogatory to the rights of the crown and people of Great Britain." But in vain are abstract propositions resolved, if they are not accompanied with a determination to compel acquiescence. The resolves of the Commons, thus decisive and vigorous, the Board of Trade immediately transmitted to the various governors, "to the end, that the subjects of the colonies might be apprised of the sense of that House upon such extraordinary claims." Yet, neither the judgment of Parliament nor the recommendation of the Board produced any salutary consequences, because the provincials derided resolutions which were attended by no penalty, and the assemblies neglected what could not be enforced.

Neither legislative regulation, however, nor pecuniary encouragement, insured the success of the campaign of 1757. While the national councils were distracted, and the assemblies and commander-in-chief differed in opinion with regard to the operations of war, there could be formed no plan of united effort, nor could there be found any force adequate to the purposes of attack, or even of defence. Long used to temporary expeditions, and to limited enlistments, the local legislatures could not be persuaded, that certain success can only be expected from the result of a system wisely adopted and steadily pursued. With wider views, Loudoun insisted, that it could answer no decisive purpose to assail the extremities, while the heart remained untouched; to attack, with armies hastily collected and badly appointed, the French, in their distant garrisons on the Ohio or the western lakes, while Quebec, the capital, remained unalarmed. Animated with these reflections, the commander-in-chief resolved to invest Louisburg, in person, at the same time that Webb should endeavor to defend an extended frontier on the side of Albany, since he was too weak to engage in offensive operations against a superior foe. But when Loudoun arrived at Halifax, he discovered, that the object of his voyage was defended by an armament more powerful than his own. And the conquest of Cape Breton was reserved for officers, who worked upon his plan with instruments more equal to the extent of the undertaking. Meanwhile, Montcalm crossed Lake Champlain with eleven thousand men, and a numerous artillery, and invested Fort William-Henry, in the beginning of August. Webb, who lay in its vicinity, at Fort Edward, with four thousand regulars and provincials, did every thing for its relief which could be expected from an intelligent

officer. But he found it impossible to collect the numerous militias of the neighboring provinces, since they had never been embodied under any system, and the authority of governors had been long sacrificed to the passions of the multitude. Monro defended Fort William-Henry with a gallantry which gained him the applause of his conqueror, who could not, however, protect a brave garrison from the plunder of the savages. Unambitious of further success, Montcalm retired into Canada, as he had executed his design, and he knew that thousands were hastening to stop his progress. In this untoward situation of affairs, the sagacity of Johnson could point out no expedient for promoting effectually the Indian interest of Britain. And thus ended the third campaign of the war, which, far from removing the encroachments of France, only added to her triumphs; which evinced, that superiority of numbers did not constitute superiority of power; that union of purpose must ultimately prevail over distraction of council; that the colonies must have fallen a prey to their enemies, had they been resigned to their fate.

But the time was now at hand, when the tide of success was to flow in a contrary direction, with a rapidity equal to the extent of its former recess. The interested contests of the great, that had at once endangered and disgraced the nation, were at length closed in a coalition of the chiefs of the contending parties, by which each was apparently gratified. In the distribution of power, the secretary, Pitt, was silently admitted to the conduct of a war, the difficulties of which were equal to the greatness of his genius. Enjoying, from nature, talents suitable to the importance of his station, he seemed to command events by the decisiveness of his counsels and the energy of his conduct. At the same time that he banished from England the former system

of expedients and delays, he acquired the additional merit of silencing, though he could not remove, the factions of the colonies. And the ascendancy which his eloquence had obtained him in the Parliament was not greater than the influence which he gained in the assemblies, partly by his popularity but more by his promises of recompense, which he was careful to fulfil.

The plan of the campaign of 1758 was as comprehensive in its utility as the force allotted to every operation was equal to the end. As no bounds were set to the provincial levies, armies were at once sent against Duquesne and Niagara, against Ticonderoga and Cape Breton. Boscawen appeared before Louisburg with a powerful fleet, and ten thousand troops, under the command of Amherst. Every obstacle, which the skill or courage of the French could oppose to their attacks, was soon removed by the spirit of the admiral, the deliberate conduct of the commander, and by the valorous activity of Wolfe. Druccore, the governor, soon found reason to lament the truth of what Knowles had written the Duke of Newcastle, in 1746; "that the bad state of the place, and the impossibility of making it better, gave no little uneasiness to all who were charged with its defence." And he surrendered a town, which derived its importance only from its situation and other adventitious circumstances, with its numerous garrisons and several ships of war, since he could no longer contend against superior numbers, ably directed, and the threatenings of famine, more powerful than they.

Against Ticonderoga and Crown Point, the encroachments on Lake Champlain which had given the greatest alarm to the colonies, Abercromby conducted sixteen thousand men, composed of regulars and provincials. There were not wanting officers, of talents superior to those of the chief, who foretold the ultimate

fate of the army, as it advanced slowly along Lake George. They foresaw, that an armament could not be successful, whose general possessed no intelligence of the force or disposition of his adversary, who resigned the direction of his spirit to men less able than himself. And he owed his final repulse to the same cause that proved fatal to Dieskau, the imprudence of attacking with musketry a strong breastwork strengthened with an *abbatis* and defended with cannon. Having, with the same feebleness of mind, determined to retire, he detached Bradstreet, with three thousand provincials, to attack Fort Frontenac, which, commanding the entrance from Canada into Lake Ontario, was the first of all the posts that the French had erected for accomplishing their ambitious designs. The prudence and activity of Bradstreet overcame every obstruction of a tedious march through a trackless wilderness. And he easily overpowered an inconsiderable garrison, of one hundred and fifty men, which did not expect an attack, though it protected the immense magazine, that was here amassed for the supply of more distant posts; and it formed the harbor for a small fleet, which was in the same manner destroyed.

Bradstreet's blow on the St. Lawrence was felt on the Ohio. From Philadelphia, Forbes conducted a small army, composed of detachments from the British army and of the provincials of the neighboring colonies, against Fort Duquesne, the erection of which had so much disquieted the empire and animated the contests of nations. His circumspection easily defeated the desultory attacks of the savages, and his perseverance conquered the difficulties that an unfrequented desert opposed to his steps. Having arrived, in November, 1758, in the vicinity of the object of his struggles, his advanced detachment, of eight hundred men, was re-

pulsed under the walls of the fort. But, confident of ultimate success, he brought up the main body with a caution, which induced the enemy to abandon a post, which could not be defended against a regular attack. And they retired down the Ohio, with five hundred men, towards their southern settlements, where they soon erected other fortlets and incited new troubles. Though all had not been gained which had been reasonably expected from the campaign of 1758, its successes inspired the Canadians with terror and the colonists with hope. The one perceived war approach to their borders, while the others rejoiced at seeing their frontiers freed from devastation and cruelty. And the surrounding tribes solicited forgiveness of injuries and a reëstablishment of peace, when they were no longer incited by French promises or protected by French power.

The disappointments of the campaign only animated the purposes of a minister, who only regarded difficulties as steps to his fame. Having determined to expel that active people from a continent, through which their intrigues had spread discord and bloodshed, he renewed his early solicitations to the assemblies, and gained their assent by showing, that, as he had fulfilled his former promises, they might safely rely on the present. They entered with great zeal into all his projects, which were communicated under an oath of secrecy, and granted the requested men and money, with unusual unanimity. And he determined to achieve the conquest of Canada, which had been so often attempted without success, by the same mode that had been always proposed, as it was dictated by the singular situation of the country.

In June, 1759, Saunders and Wolfe entered the river St. Lawrence with a great fleet and seven thousand

veteran troops, with design to seize Quebec, which was ably defended by the experienced Montcalm with fifteen thousand combatants, regulars, Canadians, and Indians. Here, as on a great theatre, every military virtue was displayed; zeal for their country, invention of stratagem, perseverance of design, notwithstanding disappointment. Having, at length, decoyed Montcalm into battle, by one of those lucky efforts, which may be often tried without the same success, Wolfe decided, on the plains of Abraham, with inferior numbers, the fate of Quebec, the noble prize for which both fought with equal bravery and died. The acquisition of that metropolis was deemed a national acquisition, dearly earned by the loss of a military genius, which had formed the soul of the army; which has left to succeeding commanders many an useful lesson, though too often neglected in the hours of success and regretted in the moments of adversity.

While Wolfe thus gained, with the smaller army, the great object of the campaign, Amherst led twelve thousand troops, composed chiefly of provincials, against Crown Point, the unfortunate object of so many trials, the key by which he was to open his way into Canada. The general conducted his operations with that systematic perseverance, which, by convincing the army of its efficacy, insured ultimate success. Having crossed Lake George, he found, at its further extremity, the French prepared to defend Ticonderoga, on the same ground from which Abercromby had been driven the year before. But their resolution failed them, when they learned the superiority of his numbers, when they saw the caution of his steps, and heard that a great armament had arrived before Quebec. And in the beginning of July they first abandoned Ticonderoga, which was immediately

converted into a place of arms, and afterwards Crown Point, for the possession of which the rival colonies had so long contended, with alternate advantage. But here Lake Champlain opposed his entrance into Canada, because the French commanded this extensive water with a small but superior navy. The approach of winter put an end to his operations before he could build a fleet sufficient to contend with an enemy, who determined to make their last stand at the Isle-aux-Noix, because it formed one of the defences of Montreal.

In the detail of the campaign, Prideaux had been sent against Niagara with a competent number of regulars, provincials, and allied Indians, under the direction of Johnson. Having secured the ancient site of Oswego, with design to maintain their communication, the army arrived at the place of their destination without accident or obstruction. The general, having sacrificed his life to his anxiety to promote the operations of the siege, the command devolved on Johnson, who had already given the enemy satisfactory specimens of his address and courage. Anxious for the fate of a post, the most advantageous of any to the possessor, the French made a vigorous effort to relieve it. But the troops and the savages, whom they had collected from their more distant garrisons and more western country, were defeated within sight of the garrison, by the admirable disposition of the general and the gallant exertions of his troops. On the same day that the French had retired from Crown Point, they now surrendered Niagara. And Venango, Presqu' Ile, and other fortlets on the Ohio, were immediately abandoned in despair, because, their communications being cut off, they could be no longer supported. Thus the great objects of the campaign were completely obtained,

because the force employed was equal to the projected measures, the capacity of the generals was equal to the extent of their respective commands; and union of effort secured the success of the universal result. Thus, at the conclusion of the fifth year of the war, the French were driven from their encroachments; and, perhaps, here it should have ended, since the original cause had ceased.

Canada having now shrunk into herself, there remained little for the subsequent campaign, that could exercise genius or animate exertion. In order, by an accumulation of force, to overwhelm a power, which had given and received so many strokes, the general determined, that three armies should meet at Montreal, the next city in importance to Quebec, where Vaudreuil had collected the troops of his province, to make his last stand. Murray moved up the St. Lawrence with the remains of the gallant army that had defended the metropolis against the collected strength of Canada. Having crossed Lake Champlain from Crown Point, Haviland drove the enemy from the strong post of Isle-aux-Noix, and pursued the fugitives towards the object of his destination. And the commander-in-chief, with that regularity of method which generally insures success, conducted an army of ten thousand men, with one thousand Indian allies, under Johnson, from the frontiers of New York by the Oneida River to Oswego, and from thence across the lake Ontario to the source of the St. Lawrence. Having surmounted, with a cautious diligence, all the difficulties of his singular route through an immense desert, intersected with morasses and rivers, he prepared, towards the end of August, to remove the obstructions that had been thrown in his way. He easily seized Oswegatchie, which seemed to oppose the commencement of his voyage,

and he afterwards compelled Isle Royale, a stronger barrier, to submit, because neither was any longer supported. When the three armies assembled before Montreal, in the beginning of September, Vaudreuil surrendered Canada, which had been formerly conquered by Kirk, in 1629, restored by the treaty of St. Germain, in 1632, and from that epoch continued the terror of the English colonies, that it had been one chief object of every war since the revolution to remove. The final success of Amherst, attended with this circumstance of peculiar glory, that he had obtained the greatest advantages with the smallest loss, only shows, that he who acts upon a plan, with undeviating perseverance, will generally gain his end.

While the war, which had for its end the safety, the freedom of the colonies, was thus prosecuted towards a successful end, chiefly by the efforts of Britain, the provincials supplied the enemy with the principal means of resistance. Animated by the spirit of their fathers during the contests of William and Anne, they easily eluded the prohibitory act of Parliament and even the acts of their own assemblies, because avarice is a passion subtle and adventurous. By flags of truce, a traffic at once illicit and dangerous was carried on through the neutral port of Monto Christie with the French, which depressed circulation by draining the colonies of the precious metals, and obstructed the operations of war by raising the price of provisions. Having derived its beginning from the commencement of hostilities, that "flagitious practice, so subversive of all laws," had increased, before the year 1760, to so great an extent, "that the contractors for supplying the army with silver and gold were under real apprehensions of an inability to carry on the next campaign." Informed of what seemed "so highly repugnant to the

well-being of this kingdom," Secretary Pitt sent remonstrances to the governors, conceived in his usual vigor of sentiment and expressed with his natural energy of language. He directed them, in the king's name, "to make the most diligent inquiry into the state of that iniquitous trade; to take every step authorized by law to bring such heinous offenders to condign punishment; to use their utmost endeavors to investigate the artifices by which the acts of Parliament are eluded, that an evil may be restrained, whereby the enemy are chiefly, if not alone, enabled to protract this long and expensive war." Of the many who were guilty, not one, however, was punished. And the event demonstrated, that lofty words and swollen sentences are only derided when crimes are perceived to continue in unmolested security.

Having traced the cause of hostilities between the rival nations from their genuine source; having shown the outlines of the policy of the kingdom, and the conduct of the colonies during the arduous struggle, it may be of use, because to establish the truth is always of importance, to take a more distinct view of the principal transactions, civil and military, of each.

CHAPTER XXI.

NEW HAMPSHIRE. — Controversy respecting Representatives. — Canadian Indians murdered. — Offenders rescued. — St. Francis Indians retaliate. — Commissioners to the Congress at Albany. — Governor Wentworth's Difficulties. — Troops sent against Crown Point. — Paper Money. — Assumption of Military Authority by the Representatives. — Campaign of 1756. — Disputes between the Governor and the Representatives.

IN the annals of every province may be traced, among disputes peculiar to all, some discriminating circumstance, which animated her contests at the same time that it enfeebled the jurisdiction of Britain. In New Hampshire, there had long continued a controversy, with regard to the right of conferring the flattering privilege of sending representatives to the assembly. Whether it belonged to the king or to the local legislature, was a question that had disturbed the repose of public and of private meetings. The ablest lawyers in England could only insist, that this power belonged to prerogative, without being able to direct how an authority could be enforced, which others possessed such effectual means to oppose. Yet, the delegates, wearied at length with dissolutions, and perceiving that an undecided claim may be easily resumed, admitted, in 1753, the members whom they had so often rejected. The victory, however, had almost proved fatal to Wentworth. The governor "was thrown into disorders, by the vexation of the assembly in refusing obedience to the king's instruction, which for two years rendered him incapable of business."

Meanwhile those distractions ensued, which never fail to result from debility in the magistrate and faction in the governed. During a state of unbounded license, two Canadian Indians were murdered on the north-eastern frontier, in one of those broils which continually arise among a people, who are equally ready to offend and equally prompt to avenge supposed injury. After a length of concealment, which showed the sentiments of the vicinity, the murderers were seized and indicted. But, in January, 1754, a body of armed men, who, with the spirit of their fathers, set a feeble government at defiance, rescued the offenders from justice. And the St. Francis Indians retaliated, by a bloody descent on the borders, inflicting on the innocent the strokes which should have been reserved for the guilty; and showing, by the following events of the war, that it is the people alone who suffer from the weakness of their rulers. Convened during this state of hostility, the delegates said, in answer to the king's recommendations, "that they should be always ready to aid their neighbors;" and they sent deputies to the congress at Albany, in order to treat of reconciliation with the Indians and of measures to remove the encroachments of France. The governor was obliged "to give up the king's right of appointment, otherwise they would not have paid them." Destitute of power to execute the royal commands, it was long experience which induced Wentworth to write, in October, 1754; "In most of the northern colonies they esteem the king's instructions and prerogative as burdensome and useless; and, therefore, take every opportunity to force acts contrary to both." An able Board of Trade could only lament what they could not amend. While they expressed their concern, that the representatives "took the advantage of the sending of commissioners to Al-

bany, to assume powers inconsistent with the constitution, they remarked to Wentworth, in August, 1755; "The conduct of the assemblies, in many of the colonies, in refusing to make a proper provision for government and denying attention to the king's recommendations, is so extraordinary, that we know of no remedy but the interposition of Parliament."

Animated by the ardor of the times against French encroachments, the delegates sent three hundred and fifty men to aid in driving them from Crown Point, who shared in the glory of the defeat of Dieskau and obtained for their province the national bounty. Contrary to the act of Parliament, they issued paper bills for their subsistence; and, in opposition to the detail of the constitution, the representatives assumed the direction of military operations, by appointing field commissaries, in imitation of the Dutch. Though Wentworth saw "the reiterated encroachments of the assembly, as the war required supplies" he was obliged to submit to necessity. And while the Board of Trade praised New Hampshire for the alacrity with which she had concurred in the attack on Crown Point, they suggested to the governor, "that the avoiding of disputes between the different branches of the legislature, in the present critical situation of affairs, is certainly a point of great consequence." In the subsequent campaign of 1756, this province concurred; but not with the same zeal. "After a great struggle, the assembly granted a regiment of five hundred men for another attack on Crown Point." The usefulness of this body engaged the attention of Loudoun, who praised them for their skill in handling the spade and wielding the axe. But the capture of Oswego so cooled the New-English ardor, that Wentworth "was unable to raise one company, either by enlisting or pressing." In the supposed

absence of the metals, there appeared to the assembly of April, 1757, no resource but the issuing of paper bills, which were to be recalled by taxes after the conclusion of war. In vain the governor remonstrated against "the reservations and appointment of the delegates," who formally denied any intention to encroach on the prerogative and pleaded precedent for every innovation. He was obliged to submit, "because he could not obtain the grant proposed by Lord Loudoun in any other way, and he found that it would have been very grateful to the members to have the bill stopped with me, in order to save the expense."

Urged by the same motives, both parties continued in the same track of conduct during the war. When the act of Parliament, prohibiting the export of provisions and stores to the enemy, was laid before the assembly, "they revived an act of their own, which they had passed some years before." When the governor sent them the resolves of the Commons with regard to the proceedings of Jamaica, "which," Wentworth insisted, "is so like those of this province, that they have made no reply to my message," the delegates remarked, in October, 1757, "that such measures have been practised for some time, and if they had done wrong, some public notice would have been taken of their practice, and till there is, they see no cause to change their proceedings." From their answers, he insisted, "that a judgment may be formed of their dispositions." The governor made continued efforts to carry on hostilities; but it was "at the expense of suffering the prerogative of the crown to be treated with contempt, of seeing his commission and instructions rendered useless, as the members of both houses are all become common-wealth-men." During this season of encroachment and recession, the king's representative acted merely

as the correspondent of his ministers. The war was conducted by committees of assembly, who exercised every act of government; who, being accountable solely to themselves, only showed by their dilatoriness, that they who are intrusted with the disposal of money without control, are seldom forward to account for its expenditure. Impressed with a sense of irregularities, which they saw increase with the continuance of the war, the Board of Trade remarked, in November, 1758, "that the executive power of nominating civil and military officers, of conducting military services, of passing accounts, vested in the house of representatives by the laws, are certainly unconstitutional, and operate to weaken the dependence, which the colonies ought to be kept in to the mother country."

CHAPTER XXII.

MASSACHUSETTS. — Lieutenant-Governor Phips's Administration. — Shirley returns. — Proceedings in 1754. — Encouragement of the Manufacture of Linen. — Campaign of 1755. — Embargo. — Money raised. — Excise Bill. — Detachment to Crown Point. — Troops raised after Braddock's Defeat. — New Expedition to Crown Point under Winslow. — Recall of Shirley and Death of Phips. — Arrival of Pownall as Governor. — His Efforts to aid Webb. — Militia not to be sent out of the Colony without the Consent of the Assembly. — The Governor and the Assembly, in 1757. — Difficulty about quartering Troops in Boston. — Encroachments of the Assembly. — Campaign of 1758. — Votes of the Assembly. — Concurrence with the Governor. — Campaign of 1759. — Penobscot Indians. — Campaign of 1760. — Legislative Promptitude. — Laws. — Evils of the Royal Instructions. — Laws, with a Suspensory Clause. — Pownall superseded by Governor Bernard.

DURING the absence of Shirley, this province was ruled by Phips, the lieutenant-governor, who, being a native of the country, carefully concealed the state of its affairs from the ministers of England, that it might not appear that the delegates directed in all things. Offended with his disrespectful silence, the Board of Trade urged him to a more punctual correspondence, by threatening to represent his studied neglects to the king. Animated by such a ruler, the assembly were not more attentive to the royal requisitions, which could not so easily be enforced. They were asked, in their sovereign's name, to revise a defective code, during the season of peace. But of a request, thus prudent and reasonable, "the assembly took no notice; being very tenacious of the present laws and averse to any alteration."

From the gayety of Paris, Shirley returned to the gloom of Boston, in 1753. He found, that the account which had reached Europe of the French intrigues and encroachments, was perfectly just; that the province was greatly alarmed with their active proceedings. And, during this moment of alarm, he recommended to the assembly of January, 1754, "to put the colony in a state of defence." Urged by their fears or prompted by their zeal, they entered into his designs with great alacrity. They professed their readiness to co-operate with other settlements in common measures. They sent commissioners to the congress, at Albany. They enabled Shirley, by liberal supplies, to rear fortifications and to drive the French from their borders. To the king they transmitted an address, thanking him for his bounty of ordnance stores, and begging for further assistance, "as they were so much reduced as to be less able to defend themselves against such extraordinary encroachments." Yet they granted fifteen hundred pounds for encouraging the linen manufacture of the province, while the Parliament gave bounties for a similar purpose in the kingdom. With regard to this complicated conduct, the Board of Trade transmitted to Shirley both praise and blame. "They wished that every assembly had shown the same obedience to the king's orders, and the same inclination to oppose the designs of the French." They insisted, "that he ought not to have incorporated a society for setting up rival manufactures, as the passing of such laws in the colonies have always been restrained." During the summer of 1754, Shirley marched to Kennebeck, with five hundred men, in order to remove a French intrusion on its banks, which had never existed.

Inflamed rather than depressed by the disappointments of the preceding year, this province acted a part

in the campaign of 1755, suitable to the greatness of its power and the extent of its zeal. The assembly imposed an embargo on shipping for one year. They prohibited the exportation of provisions or entering into correspondence with the French colonists. Being now restrained by Parliament from issuing paper bills, they empowered their treasurer to borrow fifty thousand pounds, to pay the charges of the current services of the year, which were instantly subscribed, since taxes were imposed to repay, in two years, the principal. In looking round for ways and means, they passed an excise bill, which, obliging private families to give an account, on oath, of the quantities of liquor that they annually consumed, gave offence to some, not so much because it was unfavorable to freedom, as that it affected their interests. When the towns of Boston, Salem, and Gloucester offered their objections to the Board of Trade, that judicious body gave it their approbation, because "it was a matter of private economy, of which the representatives are the proper judges." This is only an additional instance, that in proportion as a people are animated with the spirit of democracy, they sacrifice real liberty, in order to enjoy the name. Against Crown Point Massachusetts sent a large detachment of her militia, which partook in the honor of Johnson's victory and shared in the disgrace of Williams's defeat. With the most commendable zeal, the assembly sent a reinforcement of eight hundred men into the field, when they heard of the lamented defeat of Braddock. But, for all these exertions, they probably expected reimbursement, because, during the preceding war, Britain had given expensive proofs of her readiness to reward even inconsiderable merit. And the assembly, having stated their services and solicited recompense, the Commons, with their accustomed gen-

erosity, gave them a reward for the past and an encouragement for future efforts.

Incited by no general motive, and intent only on removing one encroachment by a single effort, the New-English were as easily depressed by adversity as they were elated with success. The proposal of a new expedition against Crown Point was received by Massachusetts, as well as by her neighbors, with her accustomed sourness. It was only the royal promise "of bearing a great part of the expense, which caused that temper to subside." The Board of Trade lamented, "that the ardor of New England should have cooled, more especially as the mother country has taken so large a share of the burden on herself." It was the actual grant of parliamentary bounty, which at last put the New-English troops in motion. Winslow, a general of their own appointment, conducted five thousand men, in July, 1756, to the margin of Lake George, in order to repel the Canadian intruders. But his disappointment was foretold by those who knew his orders. During the moment of common danger, he refused to derive any aid from the junction of the British forces, commanded by royal officers, because it was the supreme delight of New England to send armaments to conquer under her own banners and direction and to receive from Britain a reimbursement of the charge. To Massachusetts Lord Loudoun lent money to pay off her troops, who were annually disbanded and suddenly recalled. And he was probably repaid by the parliamentary grant of £27,380 for the ineffectual services of a campaign, disgraceful, because conducted without union of force or concert of plan. The fatal news of the taking of Oswego struck such an universal damp on the minds of the people, "that the spirit of war seemed to languish." The French re-

joined in a success, which resulted from system in councils and vigor in action, while they derided the feeble efforts of communities, attached to no common head, and weakened as much by their interestedness, as they were distracted by their factions.

The recall of Shirley and the death of Phips, in April, 1757, conferred the government on the counsellors, under an inconsiderate clause of the charter of William. Pownall, who was sent to govern a people, requiring, in a chief ruler, the qualities of gravity, steadiness, and management, arrived at Boston on the same day that Fort William-Henry was invested. He found, "that there had been no government at all for some time, but every thing in confusion, and the militia absolutely ruined, as there was neither form nor law to direct it." When pressed by Webb for aid "to save a country," the new governor exerted great activity in sending him succors from a populous province, though "most that he did exceeded the limits of the charter." A warlike prince had admitted a *proviso* in his grant, "that the militia should not be sent out of the colony, without the consent of the assembly;" which had hitherto unnerved enterprise and now withheld effectual assistance. The previous approbation of a local legislature had justified the zeal of the chief ruler, though it had added nothing to the legality of his measures, because the jurisdiction of an assembly does not extend beyond the boundaries of the province. The terrors of a French invasion having convened the general court, in August, 1757, Pownall entertained them with the common topics of a regard for the rights of the people and the prerogatives of the crown, "with what he had done and what he was doing." They readily approved of all the steps he had taken, because they saw that the motive was good. Pleased with his

attentions, they gave him a present of three hundred pounds, they granted one year's salary, they provided for the expense of recent operations, and they enabled him to send two frigates to protect their coasts. But the sudden, though happy retreat of the French, had a bad effect on the delegates, as, by removing the danger, they did not now perceive the necessity of improving their militia. When Holborne applied for a reinforcement of sailors, they advised, with their accustomed spirit, "to press the Acadians;" and Pownall concurred in the propriety of their advice, "thinking them very proper persons to be impressed." The Board of Trade approved of the prudence and activity of his measures, yet they regretted that the general court had not enabled him to send a more effectual supply to the English admiral, who will not receive the French inhabitants.

But a scene of trouble soon after opened, more alarming than the Canadian invasion. Upon the return of Loudoun from looking at Louisburg, he determined to send into winter quarters, at Boston, a Highland battalion, troops most remarkable for bravery in battle, for obedience to orders, for their peacefulness as citizens. Yet the magistrates, thinking that the act of Parliament did not extend to America, refused to act without a more legal justification. The commander-in-chief insisted on his right of quartering his soldiers, "as the mutiny-act extended to the colony in every provision or in none." The assembly enabled the governor to build barracks for a thousand men; and they adopted for the colony what had been enacted for the kingdom. - But, "perceiving that they seemed willing to enter into a dispute upon the necessity of a provincial law to enforce a British act of Parliament," Loudoun prudently countermanded the march of his troops. And the representatives thanked Pownall "for

the pains he had taken to avert the troubles that seemed to be coming on them." Yet, while they admitted, that part of the mutiny-act extended to the colonies, "they expressed themselves, at a loss to think why his lordship should entertain such an opinion." "We," said they, "never had a desire or thought of lessening our dependence upon Parliament. We know of no member of the general court, or individual, who ever doubted the authority of an act of Parliament. All acts are acknowledged as rules in the courts of justice; we utterly disavow such principles." Loudoun was not deceived by general professions, when contradicted by uniformity of conduct. But with the spirit of the ministers, with whom he had acted, he thought it imprudent, while they were yet uncertain whether the colonies were to belong to Britain or to France, to enter into a dispute with regard to parliamentary power.

Yet, during the same session of assembly, Pownall met with unexpected opposition and perplexing difficulties, which he had sagacity to perceive could not be avoided, "but by an effectual interposition of authority at home, or an entire concession here." Points of privilege, which had been decided in 1732, were again reclaimed. The encroachments of former times had been again insisted on, when opportunity furnished pretences or prompted inclination. The delegates not only exercised an exclusive jurisdiction over the granting of money, but over its application. From voting the number of troops, they easily acquired the right of appointing their stations and directing their operations. Pownall laid before them, in January, 1758, the resolutions of the Commons with regard to similar pretensions of Jamaica, but without gaining attention. In a kind of despair, he entered a formal protest "against the breach they had made upon the constitution of their

charter, and the infringement on the rights of the crown." He thought it, however, the least evil, "to comply with irregularities, which had been indulged by his predecessors." And he asked for directions, "as this matter affects the dependence of this government on the crown." Having examined his facts as they appeared in the laws and weighed his reasonings, the Board of Trade wrote him, in November, 1758; "It appears, that every act of executive and legislative power, whether political, judicial, or military, is directed by votes of the general court; yet, however dangerous these proceedings are, it is not, perhaps, advisable, in the present situation of things, to attempt an effectual remedy, though they hoped, when the times will admit of it, all but designing men will concur in restoring the constitution to its true principles." The time, alas! came at last, too late.

The vexation of one session convinced Pownall, that he must tread in the pliant steps of his predecessors, or cease to rule. It answered little practical purpose, that the commander-in-chief concerted, in a congress of governors, the plan of the campaign of 1758 and apportioned the quotas. To convince the assemblies of the wisdom of the one and the reasonableness of the other, was beyond their powers of persuasion or the extent of their influence. When the delegates convened, in March, 1758, "they seemed to advance in nothing but difficulties. They were diffident of the scheme, they disapproved of the quota of three thousand men. And they were dissatisfied that their soldiers should act with the regular troops." The general, who attended in person, in order to explain obscurities, found it impossible to answer every question, or to satisfy every scruple. Amid this scene of factious turmoil, a despatch from Secretary Pitt "removed every difficulty." Hav-

ing communicated the professions and promises of Pitt to the general court, under the sanction of an oath of secrecy, because "there is no keeping any thing secret in this country," the representatives voted, without hesitation, seven thousand men. Their resolve was immediately transmitted to other colonies, with design to convince them at once of their promptitude and liberality. As they could no longer issue paper bills, they with ease borrowed twenty-eight thousand pounds; "such was their confidence in the administration and such the credit of the government, though it was much indebted." Having decided, in the preceding year, "that quarters for the soldiers could not be demanded as a right, since the mutiny-act did not extend to them," they gratified the request of Abercromby, by providing for the reception of the king's troops. Pownall found no difficulty in raising so large a body of troops in a province containing forty-six thousand fighting men, since the assembly, in their zeal, had empowered him to press those into the service, who were not led by inclination. He broke through the former practice "of the settling of officers, the disgrace of the army." And the delegates, having receded from their recent pretensions of directing military operations and passing accounts, the committees of war no longer took the field with the army. In this manner, Massachusetts concurred in the campaign of 1758, contributed to its success, and shared in its glory.

Pownall had now learned Shirley's arts of management, by which he procured the assent of the delegates, by permitting them to rule; by which he sacrificed the prerogative, while he endeavored to convince the ministers that he had reclaimed its rights. The successes of the preceding year, the Secretary's promises of reimbursement, the parliamentary bounty, in-

duced the representatives to provide liberally for the services of the campaign of 1759. They even consented to retain the troops on half-pay, during the winter, contrary to former practice. And, invigorated by measures, which appear so dutiful because unprecedented, the governor dictated terms of peace to the Penobscot Indians, who, being no longer supported by the French of Acadia, were compelled to accept such conditions as rebellious subjects must receive, rather than the equal treaty that an independent tribe may claim. The same causes procured the zealous concurrence of the delegates during the campaign of 1760. Though they had generally waited till they had received the royal orders for the raising of men, not only as they choose to regard them as a proper foundation, but as the requisition has generally been attended with the king's promise of recompense, they not only provided for the garrison of provincials left at Louisburg, but for five thousand men, even without an assurance of reimbursement. And they acquired for their country, by their conduct during the war, a right to peculiar praise. Of all the provinces, Massachusetts was the first, which detected the French pretences and remonstrated against their encroachments, which most zealously promoted measures of union for common defence, and made the greatest exertions by the most honorable means; deriving that assistance from the loans of the wealthy, which her neighbors found in frauds offered to the poor.

But, whilst the compliance of the delegates met with the applause of the ministers, laws were passed which were not approved and practices were continued that incurred reprehension. No circumstance in the colonial annals has given rise to so much contest, or so greatly weakened the connective principle between the

colonies and the kingdom, as the royal instructions given to the royal representative. It was not their illegality or their unreasonableness, which urged controversy or enfeebled jurisdiction, but instructions to the governor were regarded by assemblies as shackles. When two modes of policy presented themselves for their choice, it was their chief delight to adopt that which was prohibited, because to constrain the governor gratified the mean, and to expose him to the contempt which breach of trust always incurs deducted from his influence. The general instruction, "to pass no laws of an extraordinary nature, unless a clause suspended their operation till the royal assent was obtained," had long incited the aversion of Massachusetts, because it seemed to detract from her independence. Pownall, having solicited a repeal of this prudent direction, the Board of Trade, with their wonted attention, took that opportunity "to write their sentiments fully to him," which they enforced with peculiar weight of argument as well as propriety of language. They demonstrated "that the objection proceeded upon a total misapprehension of the king's instructions, which are not directory to the representatives, with regard to the manner of framing of their bills, but to you only, as to the mode in which you are to apply that assent or negative, which, by the principles of the constitution, is invested in you." In February, 1760, they sent him the resolves of the Commons respecting the similar claims of Jamaica, "hoping that these will clear up all doubts. But if, notwithstanding this reasoning and great authority, the delegates shall still persist in misapprehending and misrepresenting the instruction, it will be for his majesty's consideration, what method it, may be proper to take to prevent his subjects from being any longer imposed upon." Pownall was about

the same time superseded, because his levities were deemed unsuitable to New-English severity. And Bernard was sent to perform, at an after day, the unpleasant task of reformation, which has seldom been attempted in any country without convulsion, among a sullen people without revolt.

CHAPTER XXIII.

NEW YORK.—Clinton's Attempt to regain Powers conceded to the Assembly.—Osborn succeeds Clinton.—Osborn's Instructions.—De Lancey assumes the Administration, as Lieutenant-Governor.—His Requisitions of the Assembly.—Their Self-Justification to the King and Board of Trade.—Clinton's Representations to the King by the Board of Trade.—The Delegates' Address to the King is rejected.—Difficulty in the Assembly about granting and controlling the Money.—Hardy made Governor.—Salary Question.—Warlike Zeal and Preparations in 1755.—Hardy's Administration.—Campaign of 1756.—Grants of Men and Money by the Assembly.—Boundary Question with New Jersey and Massachusetts.—Spirit of the Delegates in subsequent Campaigns.

DISORDERED as were the affairs of the colonies at the treaty of Aix-la-Chapelle, they only served as a foil to set off the superior distractions of the province of New York. Clinton adopted the manly resolution of endeavoring to regain from the assembly, amidst the tranquillity of peace, those deviations from the constitution, that had been extorted from him by the necessities of war. But trial of one concession convinced him, "that, as things now stand, it is not in the power of any man to put a stop to those graspings after more power, since the remedy must come from a more powerful authority than any in America." Goaded by the factions of the province, and irritated by the more provoking neglects of the ministers, the governor threatened to relinquish, without the king's permission, a charge, which was thus unsupported. In order partly to blunt the force of the Board of Trade's reproof, he informed them of what, indeed, they already knew; "I have yearly, for these five years, represented to the

secretary of state the encroachments which the assembly have made on the prerogative, and their persisting in their disregard of the king's instructions, without having received any directions." It is no justification to remark, that there existed only one remedy, which, though so often recommended by the wisest statesmen, the cabinet of that day had determined never to adopt.

In May, 1753, Osborn was sent to relieve Clinton from his painful situation. Contrary to recent experience in the Jerseys, the ministers looked for modes of redress in the prerogative, which, they had been so often warned, could only be found in the Parliament. Though they had been told, that the royal instructions were derided, they gave it in charge to the new governor, "to signify to the assembly, in the most solemn manner, the king's high displeasure for their contempts against his commission." The recital, on which this inconsiderate measure was founded, only shows its futility. The instruction recited, "that government had been subverted, justice obstructed, the prerogative usurped; that the delegates, forgetful of their allegiance, had not only refused to comply with the governor's commission, but in violation thereof have assumed the disposal of money, the nomination of public officers, the direction of the militia." He was directed, therefore, "to charge them to recede from their unjustifiable encroachments;" to ask them for a permanent revenue, since nothing can contribute more to promote peace; to remove every counsellor who shall again concur with the delegates in their unwarrantable measures. Osborn had scarcely assumed the government, when, reflecting on the disagreeable task which he was soon to execute, his heart sunk within him, even while the rejoicings yet lasted for the recall

of Clinton. This is the second governor who fell a sacrifice to the expedients of the present reign.

De Lancey, whose intrigues had driven Clinton from the province, assumed the administration in October, 1753, as lieutenant-governor. He immediately performed the unpleasant business of Osborn, by laying before the assembly his instructions, and requesting them to pay a due regard to the royal directions in the passing of their bills. Irritated rather than humbled, they sent an address to the king, expressing their abhorrence of those groundless imputations of disloyalty, affirming that not one person born in the province but entertains the warmest zeal for his family and government. To the Board of Trade they transmitted a representation, insisting, that the late instruction had been founded on false aspersions against a loyal people, denying that they had subverted the government, attributing all the late disturbances to the mal-administration of Clinton, and asserting it "as a well-known fact, that, during the government of Clarke, there were no heats and dissatisfactions subsisting between the different branches of the legislature." Having thus attempted to justify their former proceedings by unsupported recrimination and bold assertion, the delegates passed a variety of laws. They imposed several taxes, nearly on the former plan of encroachment, which Kennedy of all the counsellors alone had the honesty to oppose; which De Lancey accepted, because "the money was necessary." Having tried "the softest methods possible" to procure a standing revenue, the principal members "frankly told him, that he might dissolve them as often as he pleased, they never would give any but an annual support. What they would come into was; first, not to meddle with the executive part of government; secondly, to allow the public money to

be drawn out of the treasury by the governor and council." Perceiving their credit struck at by the proceedings of the delegates, the Board of Trade represented to the king, in April, 1754, "that the facts, which they had stated as the foundation of the instruction complained of, were verified by the most incontestable evidence. The journals of assembly proved, that faction and animosity had long prevailed in the legislature; the laws demonstrated, that the delegates had not only taken upon themselves the disposal of public money, but the nomination of officers, the custody of the military stores, and the direction of the troops; by which unwarrantable conduct all order was subverted, and the province endangered." The king refused the delegates' address. And New York was the first of all the colonies which was subjected, by the misconduct of her representatives, to the merited disgrace of having her professions of loyalty to the reigning sovereign disdainfully rejected. To De Lancey the Board of Trade remarked, on that memorable occasion, "that they were afraid, though the assembly had promised not to meddle with the executive government, that yet pretensions disavowed in words are retained in effect, to be applied, by their annual grants, to the purpose of wresting from the crown the nomination of officers. But they flatter themselves in vain, if they think to give permanency to encroachments so unconstitutional, so inconsistent with the interest of the mother country, and the real benefit of the colony."

The French invasions, the irruptions of the Canadian Indians, even during the continuance of peace, the general alarm, induced De Lancey to convene the assembly, in May, 1754. The delegates seem to have been actuated by the spirit of their recent proceedings. Though they granted money for various uses of war,

they were careful to reserve to themselves their former power of disposal. The counsellors, fearful of offending against the late instruction, rejected the bill, which they deemed an invasion of the prerogative. A short prorogation did not remove the obstinacy of the one party, or the firmness of the other. And the Board of Trade, whose sentiments were asked by De Lancey, observed, with surprise, "that at such a crisis the delegates, even after they had raised just expectations, should have granted so trifling a supply, and that in a manner contrary to the king's instructions; and should have aggravated their disobedience by a declaration, that it did not appear to them, that the French building at French Creek was an encroachment." Yet, at a subsequent session, the representatives granted an aid of five thousand pounds of their currency to Virginia, and enabled the governor to pursue vigorous measures, because they saw the danger increase. They formally disclaimed any intention to encroach on the royal authority; but insisted on passing an annual support bill, which had originally given them the means and still continued to inspire them with inclination.

Amid this sullenness of temper and contradictoriness of action, Hardy, a sailor of no great abilities, but of good intentions, was sent to govern New York, in January, 1755. The instruction which had raised the indignation of the delegates and invigorated the resolution of the counsellors, was now withdrawn, because "the last had complied with the king's intentions and the former may also conform." But with the former imbecility of purpose, the new governor was directed to ask for a permanent salary, though the representatives had finally resolved to retain him in subjection, though this circumstance exposed the royal influence to the disgrace of denial. Meanwhile, the progress of the French

designs, the requests of the secretary of state, induced De Lancey to convene the assembly in February, 1755. Animated partly by their fears, perhaps more by a sense of recent reproofs, the delegates enabled the lieutenant-governor to make vigorous preparations for war. They improved the provincial militia; they granted forty-five thousand pounds, in paper bills, for erecting fortifications and raising eight hundred men. But they appropriated strictly the money, which they allowed the governor and council to issue. Of these transactions, De Lancey remarked, "so that the representatives have receded from one of their ill-grounded practices, but would insist to name the commissioners for building the forts." And he hoped "that necessity would plead his excuse for breaking through his instructions." They ordered barracks to be built for the accommodation of the troops which were sent to defend them, but denied to provide for those petty conveniences, without which barracks are useless. They prohibited the export of provisions to the French; and they declared their readiness to contribute their quota to a general fund for the general defence, when other colonies shall form similar resolutions. The energy with which New York thus concurred in the operations of the campaign of 1755, engaged the approbation of the Board of Trade, because unlooked for compliance is always pleasing, and enriched her with parliamentary bounty, in order to urge future efforts.

Hardy assumed the administration in September, 1755, during the sitting of the assembly. By offering flatteries to De Lancey, he engaged his influence; by praising the delegates' zeal, he gained their coöperation. They granted an aid of eight thousand pounds to Connecticut for raising a regiment of two thousand

men. When they heard of the defeat of Braddock, they sent an additional corps of four hundred men from their militia, which shared in Johnson's triumph over Dieskau. But, as might have been expected, they not only refused to grant a standing salary, but "expressed a concern that they should be required to pursue measures hitherto unknown here, when other assemblies are indulged in a practice denied to them." While Hardy gave notice, that they seemed willing to comply in every thing else, he wisely remarked, that the present situation of affairs bade him avoid disputes and promote harmony. The Board of Trade adopted his reasoning, and approved of his principle. To the king they represented, in February, 1756, "that the late conduct of the assembly, in making use of this indulgence as an instrument to wrest out of the governor's hands almost all the executive parts of government, made it necessary to adopt this method to restore the constitution to its true principles; but since the present assembly have declared, that they do not mean to assume the executive parts of government, it is advisable to allow the governor to accept of temporary grants." Thus the ministers, at the end of a three years' unsuccessful trial, again departed from their purpose; temporary expedient was resumed in the place of fixed system; and the influence of the crown and the rights of the nation were buried in continual encroachment and repeated recession.

While the New-English waited the result of their application for reimbursement to Parliament, New York engaged with great ardor in the operations of the campaign of 1756. The delegates granted seventeen hundred men for the projected attack on Canada. They issued forty thousand pounds, in paper bills, partly to defray the expense of their troops and partly

to pay the debts of the province. But in concerting the measures of war, they appointed paymasters and commissaries, notwithstanding the remonstrances of Hardy, who felt the blow struck at his authority. Yet they acknowledged, with gratitude, the bounty of the king and Parliament, which they promised to apply to the best advantage. They showed not, however, the same alacrity in prosecuting other measures, which a regard to ultimate success equally demanded. With great difficulty they were prevailed on to provide quarters for the king's troops, who had bravely defended their borders. It required great persuasion to induce them to continue the law prohibiting the exportation of provisions to the enemy. At the same time that New York thus exerted her strength to repel her foreign invaders, her boundaries were disturbed by her turbulent neighbors. The Jerseys had long disputed the extent of her western limits, which the delegates showed no inclination to settle by compromise. Massachusetts decided her claims on the eastern borders with her ancient spirit, by tumult and bloodshed. And the sheriff having endeavored, without success, to preserve quiet, by raising the power of the country, Loudon properly employed the army, which had lately fought the French, to repel the irruptions of the New-English and to restore peace among the subjects of the same state. Informed of transactions, at once serious and ridiculous, the Board of Trade lamented, in February, 1757, "that the delegates, in framing their late laws, should have again reverted to pretensions, which, by former declarations, they seemed willing to recede from; that the dispute with Massachusetts should have been carried to the indecent length of riot and bloodshed."

With the same spirit, the delegates engaged in every

succeeding campaign of the war. They were thenceforth influenced by De Lancey, who enjoyed great popularity, because he found arguments to justify their prejudices; who was praised by the Board of Trade for his zeal and conduct, since he gained the assent of the assembly, though by allowing them to partake in his power. They were inflamed by the promises of Pitt and confirmed by the bounties of Parliament. Before the year 1760, this province had granted, chiefly indeed in paper bills, for the expenses of the war, £341,625 of their currency. To the general they granted, in 1759, an aid which merits great commendation, because it was given with alacrity. The traffic to Monto Christie having drained the country of money, the commissaries found it impossible to supply him with sums equal to the extent of his wants. And he applied for a loan of paper bills to enable him to discharge his engagements to the farmers and wagoners and laborers of the province, to the amount of one hundred thousand pounds; which demonstrates how much the war had enriched the provincials, while it impoverished the state. The assembly immediately issued their bills and enacted into law his stipulations to repay them in the subsequent year; showing, by their conduct, that the most delicate operations of finance or legislation are only the work of a day, when men sit down without prejudice or faction to execute real business. The events of the campaign carried the limits of the province to their ancient extent towards Canada. And settlers were invited to repossess a fruitful territory, which the bravery of the colonies had contributed to win.

CHAPTER XXIV.

NEW JERSEY. — Proceedings of the Assembly in Relation to the War. — Troops. — Differences with the Board of Trade. — Paper Money. — Death of Governor Belcher, and the consequent Proceedings of the Assembly. — Administration of Lieutenant-Governor Pownall; — Of Governor Bernard. — Difficulty with the Minisink Indians. — Bernard's Instructions. — Preparations for the Campaigns of 1759 and 1760. — Commissioners to dispose of Supplies.

THE province of New Jersey seems, to have recovered from a five years' frenzy, in 1753. But there remained that debility in the political body, which a fever of long continuance always leaves in the natural. Belcher in vain called the assembly in the subsequent year, in order to consider of the general alarm, and to concert common measures. To no purpose he urged the delegates "to comply with the king's reasonable orders for maintaining the interest of the British crown." Having no commercial connection with the Indians, they considered themselves as little interested in the event of the approaching war. Informed of their sullenness, the Board of Trade remarked, in July, 1754, "how much it was to be lamented, that the representatives should have been so regardless of their own security and of the king's orders, as to have absolutely denied, for the present, either to raise any supplies for the common defence against the hostile encroachments of a foreign power or for sending commissioners to Albany."

The new assembly, which convened in March, 1755, appear to have been animated with a proper sense of

danger. They prohibited the export of watlike stores to the enemy; they provided for the subsistence of the king's troops in their march through the colony. And, "after some hesitation," they agreed to raise five hundred men, who, under the conduct of Schuyler, partook in the disgrace of Shirley's indecisive campaign. But, in the issuing of seventy thousand pounds of paper bills to discharge the expense, they contradicted the sense of Parliament and invaded the prerogative of the crown. The money was ordered to be paid to commissioners, who were appointed by the delegates to direct the operations of war. Yet the council advised the governor "to pass this bill, though it is very faulty, as the five hundred men would otherwise be lost." And while the Board of Trade commended the zeal of the assembly, they expressed a hope, "that a consideration of the large sum which the Parliament gave for the past services, will animate their future resolutions." Indulged in their practices by a debilitated ruler, the delegates seem to have performed, during the two subsequent campaigns, all that could have reasonably been expected of them. They annually sent into the unsuccessful field their regiment of five hundred men; and they, moreover, defended a frontier, wide and exposed, against the desultory attacks of a merciless foe, sending out rangers and rearing fortlets. Having thus acquired a supposed merit, they petitioned their sovereign for favors. They asked the royal assent to a bill for issuing, in addition to former sums, sixty thousand pounds in paper bills. But their prayers were opposed by the merchants, who had ever found in the depreciation of currency a diminution of their debts. With regard to the first objection, the Board of Trade determined, "that the joining of the delegates in the disposal of money is in all cases

a deviation from the fundamental principles of the constitution;" as to the second, "that the making of bills a legal discharge of every claim is contrary to the sense of Parliament;" and with respect to the third, "that they could not find, upon inquiry, that there was any room to pretend a necessity." What was now denied to the prayers of the representatives, they soon derived from accident, as avarice and interest seldom let opportunities pass away unimproved.

The death of Belcher, in August, 1757, only confirmed the debility of administration, because it introduced contest among the rulers. The delegates now passed their favorite bill for issuing fifty thousand pounds, in paper bills, to which the counsellors gave their assent, since "they were urged by necessity." Pownall, the lieutenant-governor, hastened with a laudable ardor from Massachusetts, when he was told by Loudoun, "that confusion reigned in the council." And he restored, by his presence, temporary order and introduced into public proceedings, by his management, momentary vigor. Having received, in September, 1757, the remarkable resolves of the Commons with regard to Jamaica, he was induced, by what he saw in Jersey, to give warning to those, who seem to have profited from his information; "The sense of that House will have little effectual influence here, unless the people have reason to think, that such a resolution is introductory of some act of Parliament, which may restore the government to the just form established by the king's charters and commissions."

In January, 1758, Bernard was appointed governor, a man unconnected with the factions of the province, of uncommon prudence, and superior talents. When he arrived, a few months after, he found the colony alarmed with an Indian irruption, "owing to an un-

timely piece of frugality in reducing the frontier guard to fifty men." The Minisinks, who enjoyed from the aboriginal owners pretensions on the woodlands, had seized the opportunity of general warfare to enforce their obsolete claims by cruel depredations. Having discovered the true cause of the quarrel, the governor procured, at the treaty of Easton, for a thousand dollars, a release of all demands. It was to this prudent policy, more than to the liberality of the assembly in granting a hundred and fifty rangers, that the provincials owed their future safety. When Bernard laid before the delegates the complaints of the general, "that the regiment raised by them of a thousand men, was unequal to the abilities of so populous a province," they sent an address to the king, asking for a relaxation of the governor's instructions, that they might enjoy a greater quantity of paper. The ministers were reduced to the dilemma of either granting their unjust desire or of "acquiescing in the breach of standing instructions, as had been done in New York and Pennsylvania, under a presumption of necessity." The Board of Trade transmitted to Bernard, in February, 1759, his new commands, granting requests which could no longer be denied. But they took that opportunity to deliver their sentiments with regard to recent proceedings, which show at once the justness of their own opinion and the extent of the delegates' encroachments. "By the colonial constitutions," said they, "all executive power is inherent in the crown, though it is delegated in trust to the several governors. The people, by their representatives, have the right of granting and appropriating money, though the application is reserved to the governor and council. But, in New Jersey, all the prerogatives of the crown on the one side and the security of the subjects' property on the other, are set aside, as

commissioners are appointed for carrying into execution the purposes of the laws, without the governor's consent. Such proceedings must, in the end, terminate in a total derangement of government, and at once deprive the king of his legal authority and the people of their constitutional security."

Bernard wanted no information, however high or however wise, to convince him of the dangerous consequences of the continued breaches of the constitution. But when he considered "the present necessities," he thought it no proper time to attempt the rectification of abuses. Gratified by recent attention or invigorated by the promises of Pitt, the assembly of March, 1759, provided, with great alacrity, for the services of the campaign. They continued to pay their regiment of a thousand men. They issued fifty thousand pounds, in paper bills, which were to be recalled by taxes, payable after the reëstablishment of peace. But they did not advert, because they supposed that distress is the never-failing attendant on war, that a community of yeomen, who busied themselves in raising subsistence for man, were enabled, by the demands of the army, to contribute to the expense of the contest. Animated by the signal successes of the year 1759, they provided, in the same manner, for the services of the campaign of 1760. Yet, with their former designs, they appointed commissioners to dispose of the supplies and to conduct the operations. And, still anxious to avoid a contest, which it might be the fate of another to end, "Bernard took an opportunity to tell almost all the members, in private, that, when the times were more settled, he should not think himself at liberty to pass a bill of this dangerous kind."

CHAPTER XXV.

PENNSYLVANIA. — Hamilton appointed Governor. — French on the Frontiers. — Competition to secure the Friendship of the Indians. — The Governor's Application for Supplies refused. — Contentions between the Governor and the Assembly about a Paper Money Bill. — Campaign of 1754. — Continuation of the Contentions in Morris's Administration. — The Assembly's Complaints to the King. — Appropriations for the Campaign of 1755. — Recriminations of the Governor and Delegates. — Effects of Braddock's Defeat. — Change in the Policy of the Assembly. — Bill to tax Real Estate, including the Proprietary's. — Acts of the Citizens of Philadelphia. — The Petition of the Inhabitants of Pennsylvania to the King for Redress. — Administration of Governor Denny. — Accommodation between him and the Assembly. — Deputies at the Treaty of Easton. — Encroachment of the Assembly. — Proprietary's Complaint to the King. — The Assembly maintains, that the King cannot dissent to certain Laws. — Replication of the Board of Trade.

WHEN Thomas retired, in despair of either gratifying selfishness or of conquering obstinacy, Hamilton was appointed governor of Pennsylvania, in May, 1748. A native of the colony, he was supposed to be perfectly acquainted with the people and informed of their customs. Yet his talents or his management did [not] insure him success, because, when faction conspires with jealousy to incite discontent, it is not easy to preserve quiet, far less to promote reformation. His attention was drawn, during the year 1749, to the march of a French army, conducted by Celeron along the western limits of Pennsylvania, who seized the circumjacent country as theirs and expelled the Philadelphian traders, since they claimed an exclusive commerce with the original occupiers. The invasions of a foreign foe, which ought to have enforced concord, only roused

animosity by furnishing an opportunity to men who watched for it. The intrigues of a rival power among a people who derived many of their necessities from tributary presents, required the provincials to engage in similar measures. And the charge of Indian management became expensive in proportion as both parties bade high for Indian friendship. The governor applied to the assembly, in May, 1751, for supplies, to enable him to perform what good policy required. But the delegates, with a predetermined spirit, resolved, "that they, who derive so great an advantage from the quiet of the frontiers, ought to bear a large proportion of the taxes which were necessary to maintain it." Having insisted on various causes of exemption, the proprietaries concluded their remonstrance, in the words of the Board of Trade, "that they were no more obliged to contribute to the public charges than any other chief governor of any other colony." And here commenced a controversy, which long distracted public proceedings, because the one party feared the danger of innovation, the others had found a popular pretence for gratifying their inclination. He, who chooses to inquire into the necessity of instituting such a debate at such a season, will find, that it did not originate in private poverty or in public debility, since, during the last twenty years, two thirds had been added to the provincial population and commerce, and "the usual expenses of the government amounted to little more than the one half of the ordinary revenue."

While universal gloom overspread the province, the assembly met, in May, 1753. Hamilton urged them to consider the recent encroachments of France on their borders, the expulsion of their traders, the destruction of the Twigtwees, who had protected their friends. Pleased in some measure, that so good a pretence had

been furnished for an intended measure, they sent him a bill, which he had formerly refused, for the issuing of paper bills, a practice that had been long regarded as disadvantageous to Britain, though convenient to the colony. Amid this contrariety of interests, the governor thought it prudent, because he was bound by instruction to amend their project, to postpone its operation till the royal assent should be given. So many of their prejudices were at once offended, that the House burst into a flame. The amendment of a money bill they regarded as destructive of privilege, the admission of a suspending clause they regarded as the deprivation of every liberty. They insisted on their bill, because, having so long found means to induce governors to contemn their instructions, they supposed he only wanted a pretence. But he did not consider the occasion as offering him a sufficient justification for a breach of trust; and, in order to moderate their zeal, he put them in remembrance "of the jealousy of England with regard to charter governments." They were neither convinced, however, by his reasonings, nor overawed by his threats. They granted, indeed, a present of condolence to the Twigtwees, because it was the policy of the Quakers to form an interest among the tribes. And thus, while the French were establishing their power on the Ohio, the provincials busied themselves in fruitless altercation; while the enemy were making preparations for war, the delegates concerted measures for extending their privileges.

When the assembly convened, in February, 1754, they again passed their favorite bill for the issuing of paper currency, which they seem to have considered as the sole mode of raising supplies, as a measure which absorbed all policy. Hamilton sent them a letter from the French general on their frontiers, avowing his

dangerous designs; a despatch from the secretary of state, ordering that force should be opposed to force; a missive from the Board of Trade, representing the importance of sending commissioners to Albany to renew former covenants with the confederated tribes, and to concert measures for common defence. He endeavored, at the same time, to rouse their attention, by showing them their danger, to persuade them to raise forces to repel hostility, by assuring them of the coöperation of other colonies. But they soon convinced him, by their answer, that he must either commit a breach of trust or expect no concurrence. And when he refused to give his consent to a money bill, on terms which deprived him of the same freedom of choice which they claimed for themselves, they made a three months' adjournment, during a period of great expectation from Dinwiddie's vigorous measures. As the danger seemed to draw near, Hamilton again convened them, in April, 1754. But, in opposition to his remonstrances, they again adjourned themselves, on the pretence of consulting their constituents. While the representatives found causes for delaying what they had no inclination to grant, the French carried into execution the theoretic claims which they had lately avowed, by expelling the Virginians from the important post on the Monongahela, where they soon erected Fort Duquesne. The commencement of actual hostilities, the general alarm, the solicitations of the neighboring colonies, induced the governor to lay these animating circumstances before the assembly, during the subsequent session. As if there had existed only one mode of raising supplies, or only one object of taxation, they soon sent him the same bill which he had so lately rejected, granting ten thousand pounds of their currency for the public service, and twenty thousand

pounds for purposes of provincial economy. Pressed by an overruling necessity, the governor consented to the issuing of paper bills, though contrary to his orders; but he amended the bill by shortening the term to which the excise should extend, from ten years to four. The amendment of a money bill was instantly rejected by delegates, who claimed the exclusive jurisdiction over the property of the people. It is a singular spectacle to behold the representatives of the province, "burdening their constituents with a tax," which the governor restricted, because "it possibly might not be wanted." But faction aimed at the same object in Pennsylvania as in other countries of freedom. Both parties contended, either to retain or to gain additional power. The delegates, having long enjoyed the sole disposal of a considerable revenue, granted an excise for ten years, that they might for so long a term exercise the preëminence, which every where results from the management of money. The governor had only a simple assent to give, and, therefore, wished for an opportunity to give it often. And while the French were advancing into their province, both remained obstinate, as each saw the other's designs. Yet they sent deputies to the congress at Albany, and presents for the Indians, since the inclination of rulers and the interest of the governed happily concurred with the recommendation of the Board of Trade.

The defeat of Washington, the flight of the friendly tribes, the clamors of the exposed settlers, induced Hamilton to convene the assembly in August, 1754. The delegates sent him a similar bill, which he rejected for similar reasons. But he declined to enter into further argument, "as public disputes terminate frequently in private animosity; as he had already asked to be discharged from a station, which he no

longer deemed either honorable or safe, since Rider, the attorney-general, had advised him, "that it was by no means consistent with his duty to pass such bills without a suspending clause." Having reviewed these proceedings, the Board of Trade laid a state of the delegates' conduct before the king, in May, 1755, "that a judgment might be formed of the sincerity of their zeal, as they made ample professions of their loyalty." And, from a candid examination of their votes, it now appeared, that though much had been promised, little had been done; that reasonings had too often degenerated into altercation; that time had been wasted in speculation, which the enemy had employed in action.

Morris, a native colonist, who, having long acted as chief justice in an adjacent colony, was supposed to have been acquainted with the people and their laws, assumed the administration, in October, 1754. But the mere change of names added nothing to the governor's influence, and the former contests revived, as ancient causes continued. His first speech, filled with common professions of attachment, and exhibiting known circumstances of danger, roused the watchful jealousy of the delegates. They demanded a copy of his commission, in order to satisfy their doubts. Yet, little gratified by the governor's approbation, they adjourned, with design to wait for favorable events and to prepare for future controversy, regardless of the fate of their friends or of the success of their enemy. Urged by the requests if not the censures of ministers, Morris called the assembly, in December, 1754. With a despatch from the secretary of state, blaming late inactivity and commanding exertion, he laid before them "the progress of the French, owing chiefly to the indifference of the English colonies, which must end in their ruin." He incited them, by every topic of persua-

sion, "to exert themselves to save their country from threatened destruction." But he found it impossible to remove habitual prejudice, or to change predetermined resolution. They promised, indeed, "to contribute every thing in the power of so young a colony, that is consistent with their civil and religious liberties." But, with a peculiar pertinacity, they adopted "the old expedient of a currency bill." The expectation of outrage from the Indians obliged the governor to think of expedients. He offered "to join with them in any project for striking, in paper bills, what sum they might think their pressing occasions demanded, provided a fund were established for sinking the same in five years;" and, in conciliatory language, "he hoped, when they reflected on the obligations he was under to obey the king's instructions, they would not press him to disobey them." The most flattering proposal of reconciliation only urges the perseverance of designed obstinacy. The delegates were only animated by the scruples and reasonings of Morris, to insist on a compliance with their favorite measure, however inconsistent with his duty, however contrary to a royal command founded on the address of the Commons. The decency of public proceedings soon degenerated into the acrimony of altercation. And it is difficult to decide which of the disputants displayed the greatest acuteness of argument or the steadiest perseverance of purpose. The one determined to commit no breach of trust in gratifying an obstinacy, which showed so little sympathy for his feelings, the others resolved to complain to the king, "as the orders of the proprietary are the principal if not the sole obstruction to the granting of twenty thousand pounds to the king's use." In January, 1755, they stated to their sovereign their own merits in procuring fresh provisions for the royal army, the danger

of proprietary instructions from invasions of their chartered rights, and they prayed for a redress of the grievances of a loyal people. Having heard the arguments of lawyers, the Board of Trade represented, "that there does not appear to have been the least foundation for such suggestions, as the governor told the delegates he had no such instruction, and the proprietaries now affirm they never gave any." The professions of uncommon loyalty were found, by the same candid inquiry, to have been equally groundless. And this is the second address of an assembly, which was disdainfully rejected during the present reign.

While Pennsylvania was thus subjected to merited disgrace by the imprudent vehemence of her representatives, the arrival of Braddock induced Morris to convene the assembly, in March, 1755. He again urged them to provide supplies for the various services of a complicated campaign, by such topics as were furnished by the general alarm. But he unfortunately concluded his remonstrance with what has seldom had any salutary influence over men, who, to their sense of political freedom add political enthusiasm, threats of royal displeasure and parliamentary regulation. Disgusted with other circumstances of irritation, the delegates sent him, in silent contempt, a copy of the same bill which had been so often rejected. While the governor refused his assent, because he regarded the present measure as of a more extraordinary nature than the last, he pleaded the imminent danger as a motive "to fall on some other method of raising money." And they, for once, followed his advice. They determined to give five thousand pounds, of their currency, to Braddock, for the uses of the campaign, and ten thousand to Massachusetts, to enable her to send her troops against Crown Point; still marking their peculiar per-

versity by granting the smaller sum for the service of the army, which was to drive the enemy from their own borders. It was, however, by a vote of the delegates, without the consent of the governor, that they procured a loan of fifteen thousand pounds, and by their resolves, that they now issued bills of credit, which, without the authority of the legislature, answered every purpose of circulation. Of this extraordinary conduct, Morris remarked, in prophetic language, "that they are the more dangerous, because it cannot be known, but a future assembly may use those powers against the government, by which they are now protected." In the height of his mortification, Morris expostulated with the representatives in terms which evince, that the views of each were now apparent. "Your offering money," said he, "in a way you knew I could not, consistent with my duty, consent to, can only be regarded as trifling with the king's commands and as a refusal to give. The whole of your conduct must convince the world, that your resolutions have been, and are, to take advantage of your country's danger to aggrandize and render permanent your own authority and to destroy that of the crown. And besides this unconstitutional purpose, it can only be considered as a means to promote your scheme of future independence, that you are grasping at the disposal of all public money; the power of filling all offices of government, especially those of the revenue; that you refuse to grant necessary supplies, unless you can at the same time encroach on the rights of the crown, and increase your own influence, already too great for a dependent government, so distant from the principal seat of power." Men, by nature acute and by party pertinacious, were at no loss for an answer. To charges thus boldly urged, they thought it sufficient

to give a general negation. An exclusive management of the treasury, with all the implied powers which in every country arises from it, they claimed as a legal right. And they endeavored, by an enumeration of their services, to prove that they had actually contributed all which could have reasonably been asked. With regard to this last accusation alone, they seemed to triumph over their opponent. Possessed of the sole disposal of an unincumbered revenue of more than seven thousand pounds a year, the representatives had furnished Braddock's army with various conveniences unknown to the governor, in order to show their own importance and their contempt for him. They concluded their artful defence by remarking, what their story unhappily disproves; "We are a plain people, unpractised in the sleights of controversy, and deriving no joy from disputation." When the days of independence at last arrived, the Quakers, far from enjoying the fruit of their present labors, were condemned, alas! to the cord where they ought, naturally, to have engrossed all authority.

After frequent adjournments, which only demonstrate how much the minds of all were imbittered, the assembly was again convened, in June, 1755. A kind of truce ensued, because the governor, as well as the delegates, waited for the royal judgment on their mutual accusations. During this placid interval, ten thousand pounds currency were granted for the defence of their frontiers. They passed acts "for preventing the export of provisions to the enemy, for furnishing the king's soldiers with quarters, by extending to the province the act of Parliament for preventing mutiny in the kingdom. But in reviewing the laws of this session, Lamb, the learned counsel of the Board of Trade, found cause to remark, "that he is jealous of

the assembly of this province inserting words in their bills for reasons not openly avowed." The sad disaster of Braddock, the consequent devastation of the frontiers, revived the agitations of Pennsylvania and renewed the contests of party. The governor urged the representatives, "by no ill-timed parsimony or by any other motive, to suffer the people to remain any longer undefended or the blood of the innocent to be shed by savage hands." In the name of the proprietaries, he made a liberal tender of lands on the frontiers to such men as should now voluntarily defend them. Individuals asked for what had been hitherto denied them, arms to defend the two things which all men think the most worthy of defence, their houses and families. The inhabitants of Philadelphia presented a remonstrance, urging the assembly to grant considerable supplies, and offering to contribute their proportion of one hundred thousand pounds or upwards. Incited by all these motives, the delegates changed their plan of operations. They now granted fifty thousand pounds of their currency, by a tax on real and personal estates, "not excepting those of the proprietary." The governor, finding himself bound, by instructions, to oppose an innovation, however just in itself, amended their bill, by inserting an exception where an affirmative had stood. Altercations ensued, acrimonious and disgraceful, while the hatchet fell heavy on their borders. A few gentlemen, of Philadelphia, did honor to themselves, by offering, in the absence of the proprietaries, to contribute five hundred pounds, the supposed amount of the tax on their property. The representatives determined, "that such a proposal is improper," not so much because, among other reasons, "it would not be in the power of the House to sue them, they not being a corporation," as that they wanted to form a

precedent more than to raise the money: And here we discover the true cause of the pertinacity of both parties, which, during that disastrous season, endangered the province. It was in prosecution of all their present views, that the delegates concluded their session, by a resolve to raise ten thousand pounds by subscription, for supplying with necessaries the troops on the frontiers of New York, without regarding the defence of their own. He, who wishes to contemplate human absurdity in its extreme, may gratify his passion, if he delights in the tergiversations of party or the attempts of ambition, by reviewing the Pennsylvanian annals during the years 1754 and 1755, wherein he will find that much was said and little done.

A new assembly, composed chiefly of the old members, because the right of election was chiefly confined to the districts where the Quakers enjoyed their influence, met in October, 1755. Exposed, without defence, to the cruelties of the savage, the frontier inhabitants sent petitions to their representatives, begging for protection, in such language as commanded attention. During this extremity of apprehension, the delegates passed a bill granting sixty thousand pounds, which, being framed in a similar manner, was rejected by the governor for similar reasons. The unconcerned few extended their censures to both parties, without reflecting, as they ought, that while the pulse of party beats high, hostile invasion may prove less dangerous than designed innovation. Fearful of the approach of the enemy, the mayor and inhabitants of Philadelphia, "assuming characters something higher than that of humble suitors, demanded of the delegates the defence of their lives and properties, as a matter of indubitable right." Even many of the Quakers, during the moment of alarm, assured the assembly of their willing-

ness to defend themselves. And the proprietaries, in order, like the clergy of France, to avoid the danger of precedent, offered a contribution of five thousand pounds. The assembly now framed a militia law, which the governor passed, though he perceived its improprieties. They determined to grant a sum of money for the use of the crown, "without taxing the proprietary estate." And, having agreed on other measures of less consequence, they concluded their session, by resolving, "that, though it was the right of the freemen not only to petition, but even to advise their representatives, their applications ought to be respectful, pertinent, and true."

These measures, however, did not prevent the principal inhabitants of Pennsylvania from applying for redress to a tribunal, where no man meets with censure for exercising his privilege. To the king they presented their petition, stating the defenceless condition of the province, and praying relief. In March, 1756, appeared, at the Board of Trade, Forrester and Yorke, Henley and Pratt, in order to debate whether every people, who are attacked by a cruel enemy, ought not to defend themselves. Having heard the arguments of those eminent counsel, the Board represented, that the present complaint was exactly similar to that of 1744, as the same system of neglect and inattention had ever since prevailed, notwithstanding the frequent exhortations of the crown, the governor, and the people; that, it being the duty of every legislature to provide for the defence of their country, the Pennsylvanian legislature was no more exempted than any other, though they pleaded that the proprietary was obliged by his charter to defend the province. And the Board concluded their judicious representation by remarking, what struck beholders with regret, "that they

could see no remedy for the evils so justly complained of, unless by the interposition of Parliament, as had been formerly advised, in 1744." When the laws of the preceding year, which had been pleaded as a sufficient answer to recent complaints, were now reviewed, they were each found liable to some peculiar objection. With his intuitive penetration, the attorney-general discovered, that the bill for extending that part of the mutiny act which related to the quartering of soldiers must unavoidably obstruct the defence of the province. He advised, that it ought not to be honored with the royal approbation, because "it assumes propositions, true in the mother country and rightly asserted in the reigns of Charles the First and Charles the Second, in times of peace and when soldiers were kept up without the consent of Parliament; but the application of such positions in time of war, in the case of troops raised for their protection by authority of Parliament, made the first time by an assembly, many of whom plead what they call conscience for not joining in military operations to resist the enemy, should not be allowed to stand as law." The militia act appeared to the Board of Trade "rather calculated to exempt persons from military services." And the act for issuing sixty thousand pounds in paper bills, was approved, because, "though it was faulty, it was necessary." Of all men, the Quakers seem the least calculated for the government of a populous city, because their principles and their practice necessarily tend to promote quiet, regularity, and diligence. What can be more reprehensible than their pretending to the exclusive administration of a province, exposed to attacks from abroad, while they reject, with abhorrence, the first law of nature.

Amid the terrors of foreign invasion and the distraction of internal contests, Denny, a soldier of no fortune

and of little ability, was sent to govern Pennsylvania, in May, 1756. We are told, what demonstrates the faction of the times, "that the whole province seemed to feel itself relieved by the alteration of one name for another." Yet, during the first year of his administration, the new governor appears to have followed the track of the old. And similar proposals, on the part of the delegates, for some time produced like rejections by the chief ruler, which ended in similar altercations. During this state of perturbation, even considerable sums granted by the assembly for the operations of war without concert, or presents given to military officers without judgment, could have contributed little to general success. From a calculation formed by the representatives, who seem to have thrown in every item to swell the totality, it appears, that, from the year 1754 to the end of the successful campaign of 1758, this province had given, as its quotas, £218,567 sterling.

But both parties learned, ere long, how their mutual advantage might be promoted by attending to the interest of each. The delegates gave a needy governor money, and he by degrees relinquished his instructions, and delivered, in some measure, the reins of government to them. To so great a pitch of profligacy did they carry this fraudulent traffic, that a distinct sum was given to Denny, for each breach of trust, as he passed every bill. Contrary to the royal commands, they prohibited the exportation of provisions, except to the neutral ports, whence the enemy were chiefly supplied. The resolutions of the Commons, of May, 1757, which, though they were levelled against the claims of Jamaica, determined equally the pretensions of Pennsylvania, they received with silent contempt, because they decided recent contests. Ambition, like every other passion, is only prompted by indulgence.

Having already engrossed almost every power, the delegates at length interposed in the making of peace or forming declarations of war. To the treaty of Easton, which, in July, 1757, put an end to Indian hostility, they sent a committee of members. Here the deputies found Tedyuscung, a chief whom they were studious to raise from his native equality; who, plausible and forward, though unacquainted with the forms and affairs of the tribes, seems to have been finely calculated as an instrument of fraud or of faction. Of the improper conduct of those intriguing men, Johnson was obliged to complain, because he was jealous of his authority, "that they had procured by management the speaker and themselves to be appointed agents to solicit the Indians' business before the king." The spring of this transaction arose in the desire of the Quakers to embarrass the proprietaries. When the complaints of the Delawares and Shawanees were heard, in April, 1759, they were considered as worthy of attention, though rather fabricated than real. The Board of Trade took that opportunity to represent, "that the part, which the members of assembly appear to have taken in the transactions of 1757, seems to be unwarrantable interferences of particular provinces and persons in the management of Indian affairs, which had been intrusted by the crown to the care of a single superintendent."

The time was now come when the concessions granted by the famous Penn to his followers were to produce their consequential result. Having gradually relinquished to the representatives of the province almost every power, legislative and executive, neither himself nor his unambitious posterity were in the least regardful of the prerogative of the crown, intrusted to their care by charter, so long as their private property remained secure. Considering themselves merely as

landholders, they did not much interest themselves in supporting the constitution. Yet it ought to be announced, to the honor of the Penns, that neither the acute malevolence of the Quakers nor the able enmity of Franklin could produce one instance to the Board of Trade "of an improper exercise of proprietary powers." It was only lamented, that they had not been more consistent in the application of them. Finding, by the continued diminution of their authority, that they could no longer defend their estates against attacks often repeated and well directed, they fled to the crown for protection.

In March, 1760, the proprietaries complained to the king against seventeen acts of assembly, passed in the years 1758 and 1759, "as equally affecting the royal prerogative, their chartered immunities, and their rights as men." With the counsel for the representatives, appeared before the Board of Trade the attorney and solicitor general in support of the king's authority. It was now discovered, that the laws complained of "were repugnant to justice in a private view, fatal to the constitution in a public consideration, because each contained some dangerous encroachment." It was found to have answered no good purpose, that the proprietaries might appoint or remove a governor, if he was corrupted by those who ought to have watched over his integrity. They would have been reduced to a sad dilemma, if they could have derived no protection from the reserved superintendence of their sovereign. For the passing of each of those exceptionable acts, in contradiction to his instructions, contrary to the remonstrances of his council, it now appeared that Denny had received a distinct sum of money from the delegates, with an indemnification against the forfeiture of his bond. By a singular effort of audacity, the representatives now pleaded before the Board, that

the king could not, under the charter, dissent to those laws; that the king ought not to dissent to those laws, since, the deputy having given his consent, the principals were thereby concluded. Universal jurisprudence seems to have determined, that whatsoever has been lawfully done by the substitute, shall bind the constituent. But it was reserved for the Philadelphian code to decide, that what the deputy shall perform fraudulently, shall oblige the principal. The ethics of Pennsylvania, the Board of Trade despised. They thought it "of dangerous consequence, if the assembly shall first apply the people's money to corrupt the governor and then take away the only means by which the proprietaries may bind him." And they very properly advised the king "to discountenance this collusive practice." By an accurate investigation of the principle of every law, it was perceived, "that the delegates had far exceeded the largest claims of the House of Commons, not only by raising the money, but investing themselves with the sole application, and usurping, by this means, the most invaluable prerogatives of the executive power." Impressed with a sense of every inconvenience, which had sprung from the feebleness of the proprietaries and the national inattention, the Board recommended, in June, 1760, what they deemed necessary for preserving the dependence of the colony, "that the constitution should be brought back to its proper principles, in order to put the government in a regular course of administration; to give to every branch of it the exercise of its necessary powers to restore to the crown, in the person of the proprietaries, its just prerogative; to check the growing influence of assembly, by distinguishing, what they are perpetually confounding, the executive from the legislative power."

CHAPTER XXVI.

MARYLAND. — Application to import Salt refused. — Sharpe appointed Governor. — Grants to Indians, and for the Defence of Virginia. — Grants for the Campaign of 1755. — Disagreement between the Governor and Assembly. — Military Operations. — Baltimore relinquishes his Pretensions to Fines and Forfeitures. — Campaign of 1756. — Dagworthy. — Cherokee Indians.

NONE of the provinces had flourished more prosperously than Maryland, either by the augmentations of her people, of her commerce, or her wealth, prior to the war, owing to the advantages of her situation and the excellence of her laws. The assembly endeavored, in 1753, to procure for her a commercial advantage, which Pennsylvania had long enjoyed, by requesting of the king permission to import salt directly from Europe. But a reasonable request was denied them, by the advice of the Board of Trade, because, though the indulgence would have been beneficial, "it might open a door to illicit traffic."

Over a colony which was thus, by an unjust preference, disobliged, without an adequate cause, Sharpe, a soldier, of prudence equal to his good intentions and integrity, was appointed governor, in 1753. The arrival of the French on the banks of the Ohio, the alarm communicated by their approach to the vicinity of their western borders, the recommendations of the Board of Trade, induced the assembly of 1754 to give a present of five hundred pounds to the Six Nations and to send two commissioners to meet them at Albany. Perfectly

convinced "of the ambitious designs of the French and the dangerous consequences to the colonies," they gave six thousand pounds of their currency, after some factious delay, towards the defence of Virginia and the support of their Indian allies, who had claimed their protection against the attempts of the enemy. But, though they seem to have been gratified by the appointment of their governor to the chief command, they adjourned, in December, 1754, "without having in the least degree answered the expectations raised by their professions."

The disastrous events of 1754, the projected measures of the subsequent campaign, brought the assembly together, in February, 1755. Without difficulty, they regulated the hire of carriages for the army. They prohibited the exportation of provisions and ammunition to hostile countries. But here unanimity in the legislature ended, because the delegates had learned from their neighbors to watch opportunities to gain consequence to themselves, or to dispute the pretensions of others. Braddock meanwhile requested their aid. The representatives granted ten thousand pounds of their currency in paper bills, which they proposed to have recalled by the appropriation of the fines and forfeitures. Their bill was rejected by the counsellors, who were sworn to defend the rights of the proprietary, because they thought they saw his property appropriated in a case where taxes should have been imposed on the province. The depredations on the frontiers induced the governor to convene the assembly, in June, 1755, expecting that foreign invasion would promote domestic concord. The same measures were proposed and rejected, because both parties had determined to adhere to their purpose. The praise or the blame which ought to be attributed to each, depends

on the question, who attempted innovation, which is always more dangerous than the depredation of a desultory enemy. Having already sent Dagworthy with sixty men to give their feeble assistance to Braddock, Sharpe hastened with a laudable ardor to the frontiers; as he hoped that the militia might be persuaded to oppose the enemy, since they could not be required by law. The Marylanders did not on the emergency yield the palm of patriotism to their neighbors of Philadelphia. The youth associated to defend their country with their arms, the aged voluntarily contributed their money, since taxes could not be asked. With these scanty aids he built two fortlets on the borders, which, giving security to a narrow frontier, induced those to return who had deserted their homes when they heard of the defeat of him, who in his confidence had promised to drive the foe from Ohio.

That deplored event induced Baltimore to relinquish his pretensions to the fines and forfeitures, and other objects of revenue, amounting to seven hundred pounds a year, rather than adhere to pretensions which might have endangered the whole and lost him the affections of his tenants. The assembly easily concurred, since all difficulties were now removed, in granting forty thousand pounds for the service of the campaign of 1756. The paper bills, which were on that occasion issued, were to be recalled at no distant day by the produce of a variety of taxes, excises, stamps, and a land tax, which included the proprietary's manors. And the double duties, so contrary to justice, which were then imposed on the papists, demonstrate, that the ancient spirit of the fanatics had not altogether evaporated. The assembly strictly appropriated a supply, inconsiderable when compared with the wealth of the province. They directed what they had thought

proper to give to be expended in building fortifications, in engaging the aid of the southern tribes, in giving bounties for Indian scalps, in carrying on any expedition which might be concerted with other provinces, and in raising a regiment of two hundred men. But the distractions of 1756 admitted of no united efforts. And the assembly made a new distribution of their wealth, by raising three hundred men for the royal American regiment, by making more ample provision for the defence of their frontiers, by repaying to Sharpe six hundred pounds, which, with a disinterestedness worthy of imitation, he had advanced for subsisting the rangers, who, in the moment of alarm, had defended the province. In the subsequent year, the assembly, without any additional tax, completed their regiment to five hundred men. The conduct of Dagworthy and the bravery of his troops were so useful in driving the French from their encroachments, that Forbes received them into the king's service and pay. The Cherokees, who had been engaged in savage warfare with the Ohio tribes, seem to have performed nothing worthy of their own character or equal to the expense of such feeble auxiliaries. And they were dismissed, in 1758, with a considerable present, rather to preserve their amity than to repay their services. Here ended the military efforts of Maryland, which appears to have contributed the least of all the colonies, though she was the fourth in power. As early as October, 1760, the assembly thought it prudent "to ease the inhabitants of the great and unequal burden of the additional land tax." The conquest of Fort Duquesne, and the subsequent peace with the Indians, freed her borders from danger. And when her legislators no longer feared for themselves, domestic contest began, because the spirit of party is watchful.

CHAPTER XXVII.

VIRGINIA. — Dinwiddie's Difficulties upon assuming the Government. — His Dissent to Laws approved by Gooch. — Lands paying no Quitrent. — Pistole Fee. — Peyton Randolph's Agency to England. — The Result. — Grants for War. — No Delegates to the Congress at Albany. — General Braddock. — Attempt to issue Paper Money. — Application to Parliament for Reimbursement. — Occasion of granting, and withholding, Aid during the War. — Speaker Robinson. — Application of British Merchants to the Board of Trade for Redress as to Taxes. — Dinwiddie is succeeded by Fauquier. — Instructions respecting Robinson. — Fauquier's League with him. — Campaign of 1758. — Maintenance of the Clergy considered. — Reproof of the Governor.

DINWIDDIE, an able man, was sent, in 1751, to govern the province of Virginia, of all others the most populous, the most wealthy, perhaps the most prosperous. Little studious to acquire praise by the sacrifice of duty, his inquiries soon convinced him, that his predecessor, Gooch, had relinquished so much authority, that he had left to him only the unpleasant task of resumption. It did not gain him the good-will of the Virginians, that his duty obliged him to declare the royal dissent to the laws, which Gooch had approved in order to please. The assembly of June, 1752, remonstrated against this just exercise of royal power, because indulgence generally incites dissatisfaction. But the Board of Trade advised, that their petition ought to be rejected, since the laws repealed had been extremely improper, and to allow the assembly to annul such acts as the king had confirmed would amount to a relinquishment of the prerogative of the crown. Among many abuses of a

feeble government, the planters had learned to acquire lands without expense, to gain the possession by means of a warrant of survey, without soliciting a grant, because they for years enjoyed the use without paying the quitrent. Owing to this practice, Dinwiddie found a million of acres, which were thus possessed without a patent. And he now established, with the advice of the council, what seems to have had no tendency to quicken sluggishness, a fee of a pistole for every seal annexed to every grant, which the Board of Trade approved of as just, and Rider, the attorney-general, declared to be legal. The delegates did not, however, admit the reasonableness or legality of the governor's conduct, because their jealousy was roused and their purposes were prevented. Having endeavored, in December, 1753, to frighten Dinwiddie from his prey, they resolved, that his refusal raised their fears, that his demand was illegal and arbitrary, that his proceedings, so contrary to their charter, tend to subvert the laws; that whoever shall hereafter pay a fee ought to be regarded as a betrayer of the rights of the people. And they sent to England, to defend their resolutions and to promote their views, the same Randolph, who afterwards became conspicuous as the first president of the first congress, who, being now the king's attorney-general, secured, by his alacrity of service, a contempt for the king's authority. And by their sole authority, since they had appointed their own speaker the provincial treasurer, they granted two thousand pounds, to enable their agent to procure them redress. Having heard the reasonings of the ablest of the advocates on the question, whether "the crown may not grant its own lands on its own terms," the Privy Council recommended a compromise, without reflecting, that every disputed right is

relinquished by concession. And the Board of Trade directed Dinwiddie to restore Randolph to his office, "as the times require that harmony and confidence should be every where established."

But the sacrifice of the royal authority added nothing to the influence of the royal representative, "who wished that methods could be found to reclaim the delegates to a proper sense of their duty." While the French pressed on their borders, they gave ten thousand pounds to repel "their hostile attempts;" but they "so clogged their grant with unreasonable encroachments on prerogative," that it was necessity, alone, that induced Dinwiddie to accept it. They refused to send delegates to the congress at Albany, to consult of common measures at a time that the exertions of every province were necessary, because the measure was recommended by a governor, whom they did not approve. And the Board of Trade lamented that spirit, which they could not change. Actuated by this sullenness of temper, the Virginians made no great effort to invigorate Braddock, who was sent with so great a force to their aid. But when his defeat inspired universal alarm, because the danger approached which had been often foretold, the representatives enabled the governor to embody a thousand men, who, however, could not be raised among "an indolent people, without military ardor." The devastations of the Indians induced Dinwiddie to call an assembly in October, 1755. But "the burgesses began again to be factious." They attempted to issue two hundred thousand pounds in paper bills, without establishing any foundation; which he refused, because the project, though agreeable to them, was contrary to his orders. And he dissolved them, when he perceived that he could not soften the

obdurate, who were governed more by interest than frightened by danger. The Board of Trade expressed their surprise, though without reasonable cause, "that the burgesses should have availed themselves of a time of distress to establish a paper currency, so inconsistent with the true interests of the province."

The new assembly, touched with the people's sufferings, seem to have joined in Dinwiddie's ardor, and supported with liberality his efforts. And the burgesses were encouraged, when they saw their northern neighbors receiving parliamentary reimbursement, to apply for similar bounty. They claimed the value of £146,000, nominal money, which they said they had expended in the present contest before January, 1757. But "in what manner those supplies had been applied, did not appear, as they had been put into the hands of committees who were only accountable to the assembly." It was remarked, that the unfortunate events of the war had evinced to what little useful purpose so large a sum had been expended. Disjointed operations seldom produce any advantageous result. It was owing to such reflections, that the Board of Trade advised Secretary Pitt to place little trust in the assembly, but to send the parliamentary bounty to the commander-in-chief. The irregularity of Virginia during the war, in granting or withholding aids, as caprice prompted or danger pressed, may be attributed to a peculiar circumstance in her policy. Having acquired, with designs which they avowed, the privilege of appointing a treasurer, the burgesses had for the first time placed their speaker in that important office, in 1738. And Robinson, the speaker and treasurer, managed the representatives, during the present period, by those arts which have subdued all popular conventions. He lent the

public money to the poorer delegates, and gained their votes by an influence that could not be resisted. Thus, in a practical view of government, Dinwiddie ruled on ordinary occasions. But Robinson acted as dictator on all emergencies. It was in this manner, that the crown was deprived of its influence, that the nation lost its authority, by admitting innovation to degenerate into encroachment, which was at length claimed as a privilege, sacred and unalterable.

While the British merchants sustained so large a share of the burdens of the war, they were loaded, by the assembly, with the most oppressive of taxes, by the depreciation of an unsupported currency, which deprived them of their debts. For redress they applied to the Board of Trade, in 1758, who admitted the inconvenience, but pleaded the necessity. Fauquier, whose politeness had degenerated into frivolism, who had studied the arts of life till he was unworthy of trust, was now sent to relieve Dinwiddie, who was worn out with vexation and age. Too attentive to overlook the dangerous preëminence of Robinson, the Board of Trade took this opportunity to enjoin the new governor to use every rational endeavor to procure a separation of the conjoined offices, which he improperly held. But, with the inconsiderate spirit of the times, they imposed a task without giving the power of performance. Far from obeying commands, which would have only evinced his impotence, Fauquier was only studious to invent excuses. And he entered into a league with Robinson, to divide the powers of government between them and to rule with equal sway. Influenced by such motives, Fauquier remarked, "that he found the province very zealous for the common cause;" because men see objects in various lights,

as they are disposed to be pleased. The delegates seem, indeed, to have granted liberal supplies of paper for the services of 1758, and they sent into the field two regiments, whose bravery concurred with the caution of Forbes to drive the French from Duquesne, which had been originally lost by the factious delays of the burgesses. Yet the governor was constrained to remark, of their present conduct, "that the medium had been chosen between granting and refusing all that was asked." And they pleaded as an excuse, "that they were prevented, by an aggravated poverty, from continuing the same proportion as they had hitherto done." Urged continually by the irregularities of their speaker, they determined, before they had heard of the event of the campaign, "to recall into winter quarters, before December, one of their regiments, and if they were detained by any power whatever, it should be deemed no longer in the pay of the colony." From the supposed delays of the general, it had been early inferred, that he must be ultimately disappointed, and they took this method to show their discontent and their consequence. Animated by this desultory spirit, they were said "to have fallen very short of expectation, when they were asked by the general for the supplies of the next year." It was remarked only by the few, how unhappy must be the nation, who engages in the conjoint prosecution of war with such men, either as subjects or allies.

From considerations of warfare, the assembly turned their attention to an important object of political economy. Having, in 1748, deprived the bishop of his jurisdiction, and transferred the king's right of advowson to the vestries, they now attacked the maintenance of the clergy, which had been insured by a law confirmed by the crown. By this sacred authority every

minister was entitled to sixteen thousand pounds of tobacco, which, being paid in kind, was subject to the casualties of commerce, whether favorable or unfortunate. Pretending a failure of crops, for which there was some foundation, they now enacted, among other regulations, that every stipend may be paid at two-pence for every pound. The clergy applied to the king for that protection, which his representative had denied them. Of this act, so inconsistent with freedom, because it involved personal safety; so destructive of property, because it attacked the freehold of a class of the citizens, it was remarked by the wise, "that it seemed to be the work of men, who were conscious they were doing what was wrong." To the Board of Trade, who asked his advice, Bishop Sherlock observed, in June, 1759; "It is surely high time to look about us, considering the several steps lately taken, in diminution of the influence of the crown, and the great change which manifestly appears in the tempers of the people; though if the crown does not or cannot support itself in so plain a case, it would be in vain for them to plead the act confirmed by the king, since their rights and the royal authority must stand or fall together." The act was repealed, because it had been passed contrary to the governor's instructions and was now regarded as unjust in its principle. And Fauquier was told, in the language of reprimand, to be more careful, under the pain of displeasure and recall. That frivolous officer pleaded, in excuse, "that he had passed the law by the advice of the council, contrary to his own judgment." But the Board of Trade did not admit of a justification founded in a misconstruction "of a very pernicious tendency." And while they reprimanded him for his neglects, they remonstrated, with a hope of awakening him to a more

serious attention to his duty. "If, ever," said they, "it should be admitted, that the opinion of the council can dissolve the governor's obligation, those instructions, by which his negative voice in the legislature is limited, the rights of the crown and the interest of the nation, must depend solely on the uncertain inclination of the counsellors, and what the consequences of such a system would be, are too obvious."

CHAPTER XXVIII.

NORTH CAROLINA. — Regiment sent to the Aid of Virginia. — Issue of Paper Money. — Establishment of Courts of Justice. — Administration of Dobbs. — Address to the King. — Legislative Acts. — Effect of Braddock's Defeat. — Starkie the Speaker and Treasurer. — Remarks.

AMID continued distractions, North Carolina filled quickly with people from every quarter, whose labor augmented her productions and enlarged her commerce, whose swords were now demanded to remove encroachments from her borders. And the province contained, at the commencement of the war, eighteen thousand fighting men, and its foreign traffic required for its transport twenty thousand tons of shipping. The assembly of March, 1754, enabled Rowan to send a regiment of four hundred men to the aid of Virginia. They at the same time issued two and twenty thousand pounds in paper bills, contrary to the royal instructions and the national interests. To the Board of Trade the president of the council remarked, in order to justify his breaches of trust; "The counsellors and delegates were unanimous in not granting a shilling towards the Ohio expedition, or to the fortifications, unless I passed the bill." Thus force was constantly called in to procure acquiescence. The assembly at the same time turned their attention to important objects of internal economy, though they did not gain approbation. Their acts for the establishment of courts of justice were disapproved of England, because they were found to be as inconsistent with the prerog-

ative of the crown, as with the speedy distribution of right or the ease of suitors. The British merchants remonstrated against the act which had declared their paper bills a legal tender at a fixed exchange of thirty-three and a third, when the current exchange was seventy in the hundred, as a breach of the public faith and as destructive of credit. But, considering the inconvenience, the Board of Trade advised an amendment rather than a repeal. The Carolinian legislature did not advert, while they were only studious how to gain a fraudulent currency, that when troops are sent into the field they must be subsisted. And their soldiers disbanded themselves in the midst of the campaign in Virginia, when they could not find a paymaster. The frontiers were soon infested by the same barbarous incursions, which had terrified much more than ruined other colonies, at a time that the provincial magazines contained neither ammunition nor arms. The repose of the southern boundary was meantime disturbed by the claims of South Carolina, which induced the borderers to refuse the payment of taxes and to repel the officers of justice.

Dobbs, a projector deficient neither in talents nor in energy, assumed the administration, in October, 1754. The first assembly promised "to forget former contests," since "they were thankful for the appointment of a ruler of known abilities and good character." They are said to have acted "with great temper and unanimity and showed no inclination to encroach on the prerogative." They transmitted an address to the king, expressing "their utter detestation of a perfidious scheme, long since planned by the French, and now attempted to be carried into execution by the invasion of Virginia," giving thanks for the warlike stores sent them, and for examining the constitution and restoring the

people to their ancient rights. They granted an additional supply of eight thousand pounds, as an aid to other provinces "in repelling those intruders from their unjustifiable encroachments." They passed acts "for establishing a supreme court of justice and enlarging the jurisdiction of the county courts; but they were disapproved of England, because the former defects were continued. They divided the province into parishes, and gave an establishment "to an orthodox clergy." But this law was rejected, because Sherlock clearly showed, "that it had transferred to vestries the king's supremacy and the bishop's jurisdiction." And the Board of Trade commended the zeal of the assembly in carrying on the war with spirit, at the same time that they rejected their laws as invasions of the national authority.

The alarm resulting from the fate of Braddock brought together the assembly, in September, 1755. They granted a petty aid, on the late terms. They prohibited the export of provisions to the enemy. And they attempted, though with unskilful hands, to amend the laws of political economy, which had been lately rejected. The governor at the same time endeavored to gain domestic security by making peace with the Catawbas, a small but intrepid tribe on the southwestern frontier. This province seems to have performed, during the campaign of 1756, all that could have reasonably been expected from them. Before January, 1757, they had expended thirty-four thousand pounds of their currency, either in aiding their neighbors, or in protecting the whole. They agreed "with alacrity to maintain three hundred men for the services of 1757. But the continuance of war brought embarrassments with it. Contrary to the experience of European communities, the influence of the sovereign

and of his colonial representatives was always either impaired or lost, in proportion as extraordinary supplies were asked, because the assemblies uniformly insisted to name the officers who were to manage their money. In imitation of Virginia, the delegates had here acquired the right of appointing their treasurer. The Board of Trade "wished, that this improper practice had been checked in the beginning," but lamented that it must be now acquiesced in. Starkie, who was represented "as a republican of puritanic humility, but of unbounded ambition," governed now the assembly by the same arts, that Robinson had long practised in Virginia. Having been appointed treasurer, he acquired an irresistible influence among the members by lending them money. And it thenceforth depended on his caprice, more than the authority of the governor, "who had not the power of rewarding his friends," what supplies should be granted or laws enacted. Incited by the weakness of the provincial system, faction now pervaded every department. And Dobbs complained, because he was urged by feelings, of his want of power "to preserve the king's just prerogative, as every province is endeavoring to gain from the crown by adding to their privileges." He suspended counselors, who had entered into the cabals of Starkie, without adding any thing to influence. The Board of Trade approved of his conduct without ability to grant him effectual support. And in July, 1758, they represented to the cabinet ministers, "how impossible it was to maintain his majesty's just rights in America, already too much weakened by the undue influence of factious juntos in the assemblies, which eagerly embrace every opportunity of embarrassing the measures of a governor, who adheres to the true principles of the constitution." The story of this tumultuous settlement is

from this period filled with nothing but the play of parties, the wailings of imbecility, and the complaints of recrimination. It was, at length, ultimately determined, with rather uncommon firmness, "to reject imaginary aid, for which the representatives expected Britain was to pay, the king was to resign his prerogative, and the Council was to sacrifice its rights."

CHAPTER XXIX.

SOUTH CAROLINA. — Presents to the Indians. — Fort built in the Cherokee Country by Request of the Natives. — Money Bill rejected by Governor Glen. — No Money raised for the War, nor Delegates sent to the Congress at Albany. — Resolutions of Delegates respecting the Council. — Fortifications repaired by a Remittance from Dinwiddie. — Governor Lyttleton. — Fort built by Virginians among the Western Cherokees. — Acts of Lyttleton's Administration. — Cherokee Treaty with the Commandant at New Orleans. — Campaign of 1757. — The "Welcome Guests." — Difficulty about billeting Troops. — Efforts to gain the Coöperation of the Indians. — Duplicity of the Cherokees. — They desert Forbes. — Skirmishes between them. — Measures in Regard to a War with them. — Indian Chiefs visit Charleston with Professions of Friendship. — The Governor visits Fort Prince-George with Troops. — Treaty of Peace. — Indians besiege Forts Loudoun and Prince-George. — Indian Hostages killed. — Application to Virginia for Aid. — Retirement of Lyttleton. — Montgomery's Expedition against the Indians. — Fate of Fort Loudoun.

THE affairs of the southern tribes, of the Chickasaws, the Creeks, and the Cherokees, had engaged much of the attention of the colony of South Carolina and the kingdom, from the conclusion of the late war. The advantage which was supposed to result from their traffic, and their amity, induced both to distribute among them tributary presents to an amount, considerable in proportion to the greatness of their numbers and avidity. The expense of the province alone was stated at £26,432 sterling from the year 1732 to 1755, inclusive. With a policy unexampled in the annals of polished society, the Cherokees, for seven years, had solicited Glen to build a fort in their country, pre-

tending security against the French, but wishing to gain hostages from the English. They had sagacity to perceive, that fifty debilitated soldiers, surrounded by walls, could not command a country, inhabited by a numerous people, who derived strength less from their modes of life than from their vanity. They expected from a garrison, which, situated a hundred miles from the nearest settlements, could not easily be supported, continual largesses, to preserve their good-will. And they hoped, that, should their desires be at any time denied, it would only form a frolic for the youth to surprise, in the wilderness, the supplies of the soldiers or the stores of the traders. Yet, directed by the puerile principle, that every fort must necessarily command its vicinity, Glen established, with the consent of the original occupiers, a post at Kee-o-wee, on a higher branch of the river Savannah, in 1753, which he denominated Prince-George, which soon gave rise to troubles, that might have been foreseen. Of this measure, however, the Board of Trade approved, because, having heard, "that the French, during that critical juncture, entertained the same design," they thought there was wisdom in prevention.

The progress of events induced the governor to call the assembly, in November, 1754. All parties regretted, "that, while no civil dissension intercepts domestic repose, the ambitious foe is at work without." Incited by their "indignation at the daring encroachments of the enemy," the delegates promised abundant supplies. They voted six thousand pounds sterling, to be raised not by taxes, but by orders on the treasurer. But Glen refused the money, though the grant was approved by the council, because it was contrary to his instructions and mortified his pride. The rejection of this bill

“raised a great flame.” A prorogation did not moderate the heats of party, as it generally carries censure with it. The same proposal was again made, and again rejected. They endeavored, by their resolutions, to throw the blame of preventing supplies on their ruler. The individuals of a province, which had long been enriched by its commerce of rice and indigo, of lumber and peltry, offered to lend thirty thousand pounds to the body politic. But contests between the two houses of assembly, with regard to mutual privileges, which, of all others, are the most inextricable, deprived the public of the advantages of union, and Carolina of the honor of contributing by her efforts in repelling the foe. And they were too sullen to send delegates to the congress at Albany. Animated, partly by the principles of their predecessors and partly by sense of recent injury, the delegates resolved, “that they would in future send no documents with regard to money matters to the council; that they would not proceed to business till reparation were made them by the counsellors for withholding the tax-bill, for detaining the members so long unnecessarily from their private affairs.” During this lamentable turmoil, the natural result of a debilitated system, Glen was enabled, by a remittance of a thousand pounds sterling from Dinwiddie, to repair fortifications, which, with every object of government, had been long neglected.

From a family which had given to England so many lawyers and statesmen, was chosen a governor for this turbulent province, in January, 1755. Mr. Lyttleton possessed all his predecessor's learning, which was not inconsiderable, without his pedantry, all his wisdom without his frivolity, and all his activity without his imprudence. Owing to the misfortunes of his voyage,

the new ruler did not assume the administration till January, 1756. He found the colony "tranquil without, though distracted with intestine dissensions, as the animosities between the two Houses had risen to the greatest height." Meantime, the constant solicitations of the more western Cherokees, with similar views, had induced the Virginians to send a garrison to their country, which lay nearer to them than to Carolina. And Lewis was sent to gratify their apparent inclinations, who, during the year 1756, erected Fort Loudoun near the river Tennessee, at the distance of five hundred miles from Charleston. Neither party seemed to foresee, in the present professions of friendship, that a bloody contest was at hand, since the powerful Cherokees only regarded a detachment of two hundred men as so many hostages in their hands. The new governor called an assembly, in July, 1756, in order to procure the supplies, which had been denied to the old. With some difficulty, he gained from the delegates a grant of four thousand pounds sterling. With great prudence, he prevailed on the council "to drop their pretensions at present." And, in a manner that seemed to gain the hearts of both, he refused a present of five hundred pounds sterling, which, in former times, had been too often given and received as a bribe. From the gratifying of petty men by petty favors, he turned his attention to objects of defence. He repaired decayed fortifications, and endeavored to raise two companies of soldiers among a people, who, exercising despotic sway over multitudes of slaves, were too independent to submit to the discipline of war. The Board of Trade honored all parties with their approbation. While they expressed to Lyttleton their satisfaction, "that he had calmed the troubles which former mis-

management had raised," they assured him, "that his disinterested refusal of presents would remain on record, a testimony of his integrity and a precedent for other governors." They praised the delegates for their timely supplies. And they hoped, "that the council would waive their claims till a proper time comes for bringing them to a final conclusion." Thus, in every province there were peculiar disputes, which, arising partly out of the constitution and partly from the tempers of men, were postponed to a distant day of quiet, that, alas! never came, since the agitations of a free people are like the billows of the ocean.

The Cherokees seem to have continued their policy, either the most profound or the most foolish. They were said "to hold the French in one hand and the English in the other." While the governor was laudably exerting his talents to induce them to perform stipulations, they entered into treaty with the commandant of New Orleans, in November, 1756. It was their doubtful conduct, which induced him to call the assembly in the beginning of the subsequent year. Having studiously avoided "old disputes," the assembly performed all that was requested of them. They not only continued the two companies already in pay, but provided for a third as a garrison for Fort Prince-George. They granted supplies for raising fortifications. They gave presents to the Indians. And, expecting aid from abroad, they provided for the accommodation of the troops. Bouquet brought them, in June, 1757, half a battalion of the Royal Americans, and the quotas from Virginia and North Carolina. These troops were not long after augmented to fifteen hundred regular soldiers, who were deemed "welcome guests" in an unwarlike province, where it had been found difficult to

complete its inconsiderable corps. Invigorated by this attention to their safety, a new assembly made unexampled efforts. They enabled the governor to raise a regiment of seven hundred men, excluding, with their accustomed jealousy, the members of both houses of assembly from acting as officers. During the campaign of 1757, their whole grants amounted to forty-nine thousand pounds sterling, which were considered "five times as much as had ever been given before in any one year." The chief magistrate, however, refused his assent to a bill for billeting soldiers, "as it contained a declaration, that no soldiers should ever be billeted here;" and to one for establishing an artillery company, "since he had already formed one by commission." As the winter approached, a new scene of trouble ensued. The existence of the mutiny act being denied and there existing no adequate law of the province, "the welcome guests," who had been sent for the defence of an opulent province, ran hazards of feeling, unpitied, the severities of the season. And the commander-in-chief ordered his officers "to grant billets, under the act of Parliament, by his own authority." It was the temper of Bouquet and the management of Lyttleton, which saved Charleston from being subjected, in some measure, to military execution. Such are the miseries of a country governed by rigid rulers, when the law is unknown or uncertain. And thus an army was sent to the colonies, without one moment's consideration how the troops were to be shielded from the rigors of winter, when they had returned from the fatigues of the field.

From disquiets, which seem to have revived former discontents, the colonists were soon relieved by the departure of the army for Philadelphia, in order to co-

operate in the measures of 1758, for expelling the intruders from Ohio. Considerable presents were sent to the Indians from England, with design to engage their murderous aid. Yet, a few only of the Cherokees took the field with Forbes, and even those performed nothing worthy of the fame of their tribes. Before the assembly the governor, meanwhile, laid the requisitions of the general and the promises of Pitt. But, by recent events, the pride of individuals had been hurt, and the minds of the whole had been soured. And the delegates refused to make any extraordinary exertion, though they provided for the current service of the year. Amid the rejoicings for the parliamentary grant of fifty thousand pounds, it was remarked, "that when these are apportioned among the southern colonies, it will give new life to his majesty's service here." The conquest of Fort Duquesne, which gave peace to Virginia, Pennsylvania, and Maryland, only involved Carolina in warfare. The Cherokees, owing to causes of offence which untutored men easily find, deserted Forbes in disgust, before that happy event took place. As they returned along the Virginian frontier, they appropriated, with their usual license, the cattle which belonged to settlers, who were as impatient of injury as themselves. And in July, 1758, several skirmishes ensued, because the Indian allies were regarded as enemies, in which the savages were overpowered by the woodsmen. The revenge of an American Indian is no less prompt than insatiable. The Cherokees first attacked the garrison of Fort Loudoun, and instantly invaded the Carolinian borders. The chiefs, with a happy dissimulation, professed their sorrow for the recent bloodshed in Virginia. And in November, 1758, Fiftoe, with a deputation from the various towns,

arrived at Charleston to treat of oblivion rather than of reconciliation. A peace was concluded, which appears to have been only intended to gain time to involve in their cabals the Chickasaws and Creeks.

The Cherokees having now commenced actual hostilities, the assembly was convened, in March, 1759. They paid off part of the public debts. They provided liberally for the current services of the year. But they made no provision for contingencies, though the hatchet was uplifted against their constituents. The chiefs continuing to make professions of peace, Demere, the commander of Fort Loudoun, demanded, in the governor's name, that the murderers should be delivered up to punishment. But what was now asked seems to have been contrary to that state of Indian equality, in which the old might advise, but could not compel. It soon became apparent, that the promises of Indians were little to be believed, and that justice must be enforced since it had thus been denied. In this extremity, recourse was again had to the assembly. The king's promise of speedy compensation for past services and the requisitions of Pitt were laid before them. They were told, that the continuance of their former regiment of seven hundred would be satisfactory to both. But in the supposed poverty of the province and the heaviness of taxes, they found an excuse for the discontent, by which they were governed. What was asked of them, as a circumstance that would give perfect satisfaction, they expressly denied. Yet they agreed to support three companies on the late establishment. They enabled the governor to raise forty rangers, for the temporary protection of an extended frontier against a most active enemy. He who inquires into the cause of that sullenness, which, having pervaded the repre-

sentatives, dictated their present proceedings, will find it to have arisen "from the unmanly facilities of former rulers, in relinquishing to the delegates the appointment of officers, from the difficulties of the king's servants in having no standing revenue." The endeavors of the present governor, "though tempered with discretion," to regain the powers of prerogative, which his predecessors had, unfaithfully given away, neither promoted his own ease, nor insured the success to the wisest plans during the present moment of danger.

It was the refusal of the governors of the forts Prince-George and Loudoun to furnish the sachems with ammunition, with the means of carrying on the war, which converted what before was only regarded as murders into actual hostilities. Yet the same chiefs, with a strain of confident deceit, unequalled in the annals of the most intriguing nation, departed for Charleston partly to complain of this wrong, but more to gain from the governor, by professions of peace, what had thus been denied them, because they seemed ready to rush into war. Perfectly informed of these events, Lyttleton adopted all the measures which wisdom could dictate. He applied for aid to the Chickasaws and Catawbias. He gave notice to the neighboring colonies. He communicated the dangerous situation of the province to Stanwix, the commander of the troops in the middle colonies. And he called an assembly, in October, 1759. The council, having advised a declaration of war, the delegates, in order to show their own power, presented an address against that hasty measure. The governor assured them, in answer, "that he would add nothing which has any tendency to prevent an accommodation." Gratified with an attention even to an improper interposition, they

resolved, "that as the Cherokees had committed murders, a sufficient force ought to be drafted to repel their invasion and to demand satisfaction." They voted fifteen hundred men for a contest with that powerful tribe, which was supposed to be then able to muster two thousand warriors. He remonstrated against the scantiness of their supplies. And they concluded the session by presenting to him, in return, an address against the war. The sachems, meanwhile, arrived. During three successive days, their speeches were patiently heard by the governor and council. But they had no complaints to make, they had no terms to offer, each only for himself professed his sorrow for recent events, his attachment to the English, his pacific intentions, without being able to show that they had been sent by their towns, or that they came prepared with wampum to evince their powers and to ratify their stipulations. And it was finally determined, after weighing every reason of vigor or of lenity, "to demand satisfaction of injuries in their towns, or, if denied, to take it." With this design, Lyttleton conducted, in person, fourteen hundred troops, composed of the militia and independent companies, "without molestation, notwithstanding threats," to Fort Prince-George, in the lower settlements, carrying with him as well the chiefs before mentioned as eighty Indians, who had joined him on his march. For this uncommon visit, the tribes seem to have been unprepared. And in December, 1759, he dictated the terms of peace, which, after some difficulty, were accepted, which were immediately confirmed by two solemn deputations from the lower and middle towns. Ancient treaties were confirmed, the French were excluded from their country, the former commerce was restored, the murderers

were to be delivered up to punishment, and one and twenty warriors were to remain in the fort as hostages, to be each released as an offender should be surrendered. It is apparent, that the stipulations were severe, only as they were prescribed to savages. But the high minds of the nations were hurt by being compelled to depart from their purpose. And the chiefs, who had signed dissatisfactory engagements, wanted power to perform them.

The governor had scarcely returned to Charleston, where he was received with the acclamations due to the conqueror who performs much with little means, when hostilities were again commenced. The forts Loudoun and Prince-George were invested. Cytmore, the commander of the last, was decoyed from his post and mortally wounded by an artifice of such subtlety as showed, that Oconostota was capable of the deepest designs. The soldiers, seeing their officer brought in in the agonies of death, and fearing for themselves, were seized with one of those paroxysms of fury, to which the bravest men are subject when placed in singular situations. Miln, on whom the command devolved, gave orders to secure the hostages, in order to prevent greater mischief. The Indians were not of a temper to submit to their fate patiently. Having been supplied privately with arms, they wounded the most forward of the soldiers, whose companions instantly began an indiscriminate carnage. This is one of those events, which, arising from accident rather than depravity of mind, we are apt to regard with horror, without considering how we should have acted had we, like the actors, been assigned to play an unpleasant part in an uncommon scene. And real hostilities were now committed on the frontiers of

Carolina, which were soon deserted by the ill-fated settlers.

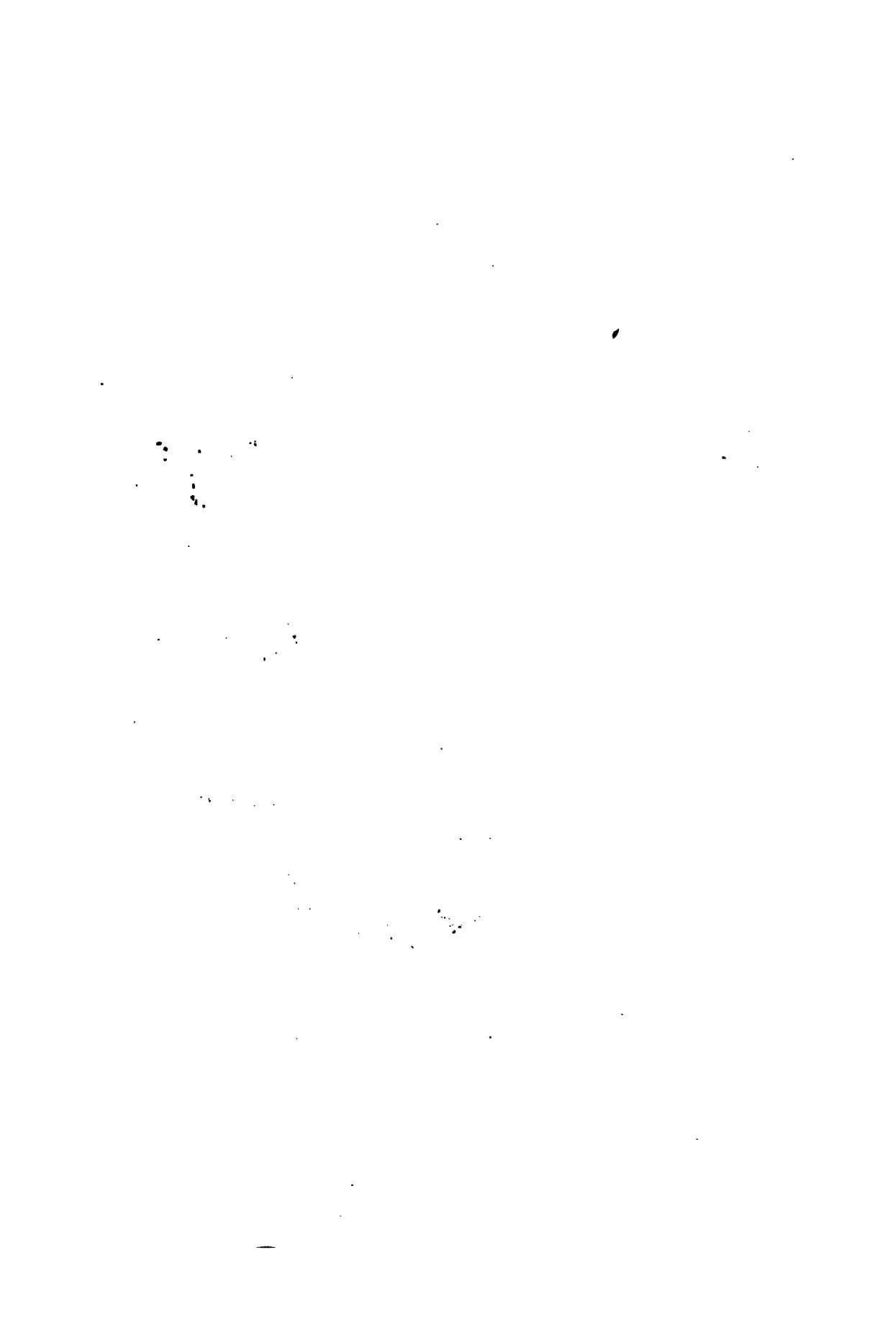
Notice of this sad event was instantly sent to Virginia. Aid was asked of the commander-in-chief, and the assembly was called, in February, 1760. The delegates, with their wonted zeal, entered, in the first place, into a consideration of "their birthrights of British subjects, and the violation of undoubted privileges," supposing that both had been invaded by the governor's remonstrance of October last. He opposed silence, which is often the severest reproof, to their surliness of manner. Sensible of their immoderate conduct during such a juncture, they voted a thousand men for a war, which was now inevitable. They offered five and twenty pounds for every scalp of a Cherokee. And they thanked the king for sending them a detachment of artillery and warlike stores. Lyttleton not long after retired from no very enviable station, as he was promoted to the government of Jamaica, because his conduct in Carolina, prudent, vigorous, and attentive, was approved by his sovereign.

In April, 1760, Montgomery conducted to Charleston the same brave troops who had defeated the tribes on the Ohio, in order now to chastise the Cherokees. He was joined by volunteers, who wished to show their attachment to their country by defending her borders. He was reinforced by the militia, who were to fight for their families. And his march was facilitated by the attentions due to men, who came to save their friends, and to punish their foes. Owing to exertions of skill, of courage, and of energy, he ruined by military execution every settlement in the lower nation, without the resistance, that might have been expected from such opponents, fighting in such a cause. Having arrived

at Fort Prince-George, he humanely as well as prudently detached various messengers to the upper towns, to propose peace, without gaining his end. Determined to punish the insolent, though he was disposed to save the weak, he now entered a thicker forest, in order to carry the same desolation to them. When he approached Etchoe, the capital of the middle tribes, he met the enemy, prepared in a well chosen defile to defend it. A battle ensued, which was fought with a bravery, a conduct, and perseverance, which did honor to both. And the savages were driven, at length, from their ground, because their weapons and discipline were unequal to his. Having, in some measure, executed his purpose, he returned on his steps towards the settlements, since an attention to his wounded forbade any further advance, though Fort Loudoun was then blockaded. When Montgomery announced his intention to leave the province, as he thought he had performed the object of his enterprise, "the whole province was thrown into the utmost consternation." With the spirit of the enfeebled Britons when invaded by the vigorous Picts, the assembly begged him "not to depart with the king's troops, as it may be attended with the most pernicious consequences." In order to incite commiseration, they stated, "that though the rupture with the Cherokees had cost them; in nine months, fifty thousand pounds sterling, they had been unable to raise forces sufficient for protecting the frontiers from their ravages." But he was too good an officer to disobey his general's orders, "as he could not help the people's fears." And as he probably thought, that men, factious in peace and feeble in war, did not merit much regard, he departed; granting, however, to the solicitation of lieu-

tenant-governor Bull, a guard for the borders. It is a singular instance of the unwarlike character of Virginia and the Carolinas, during the foregoing period, that they suffered the garrison for Fort Loudoun to fall a prey to the savages, without making one effort to relieve it. It was a still more destructive irruption, conducted by Grant, who obtained, with the same gallant troops, a more decisive victory, which compelled the Cherokees to sue for peace in the subsequent year.

END.



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AUG 31 '59 H
DEC 3- '59 H
JAN 14 '60 H
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